



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Wednesday 25 June 2014

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Scottish Parliament

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[The Deputy Presiding Officer opened the meeting at 14:00]

Business Motion

The Deputy Presiding Officer (John Scott): Good afternoon. The first item of business this afternoon is consideration of business motion S4M-010468, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Housing (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during stage 3 of the Housing (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the stage being called) or otherwise not in progress:

Groups 1 to 3:	45 minutes
Groups 4 to 6:	1 hour 20 minutes
Groups 7 to 9:	1 hour 55 minutes
Groups 10 to 12:	2 hours 30 minutes
Groups 13 to 15:	3 hours
Groups 16 to 18:	3 hours 35 minutes— <i>[Joe FitzPatrick.]</i>

Motion agreed to.

Portfolio Question Time

Education and Lifelong Learning

College and University Engagement with Employers

1. Chic Brodie (South Scotland) (SNP): To ask the Scottish Government what plans it has to encourage college and university engagement with employers following the publication of the report of the Wood commission for developing Scotland's young workforce. (S4O-03401)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): I point out that I am in the process of losing my voice, so I am sure that people will be gentle with me this afternoon, surprising as that may sound.

The Wood commission has made a number of recommendations to facilitate increased levels of interaction between education and industry. The Government agrees that such partnerships are an essential element of a more effective vocational education system and will consider the implementation of the recommendations carefully with Scotland's education community—including universities and colleges—employers and our partners in local government.

Chic Brodie: The Skills Plus survey 2014, which was released this month, indicated that 85 per cent of employers recognise that they have a role to play in providing young people with work experience opportunities, but only 8 per cent of those surveyed feel that they are doing enough. The survey also revealed that 55 per cent of employers believe that advanced apprenticeships would have increased their participation and developed their workforce. Will the cabinet secretary initiate an immediate pilot on improved employer engagement with colleges and universities, as suggested by the survey? May I humbly suggest that the pilot be at Ayrshire College?

Michael Russell: I always recognise a piece of special pleading when I hear one, and of course, knowing Ayrshire very well, I am sympathetic to Ayrshire College. My colleague Angela Constance announced yesterday that the Government will provide £1 million to support the establishment of regional, industry-led invest in young people groups. As their name suggests, the groups will be led by industry and will focus on establishing close links between employers and education. We will seek to involve the principal education interests in each region, in which colleges are a very important partner, particularly given their stronger regional footing.

I know that Ayrshire College makes engagement with employers a key element of its approach and has a very strong employer-led board, which was highlighted in the commission's report. The college is always a willing and effective partner across a range of development activity. As the work on employer engagement is taken forward, the Government will seek to engage directly with the college on its potential contribution in that part of Scotland. I give the member a qualified yes.

European Regional Development Funding (Former Langside College)

2. James Kelly (Rutherglen) (Lab): To ask the Scottish Government what recent discussions it has had with the Scottish Further and Higher Education Funding Council regarding the European regional development funding that was given to the Woodburn house site of the former Langside College. (S4O-03402)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): I acknowledge that the member has pursued this matter over a long period of time. I have to tell him that the Government is not in discussion with the Scottish funding council regarding the European regional development fund contribution to Woodburn house. However, we are discussing what is a complex historical case with the European Commission before engaging with the Scottish funding council.

James Kelly: As the cabinet secretary is aware, I first raised the issue in November last year and he agreed to investigate in January. Since that time, Woodburn house has actually been demolished. Why has it taken so long for me to receive an answer to my query? When will I receive an answer? Does the issue of European regional development funding to education establishments affect any other sites in Scotland?

Michael Russell: I am happy to write to the member with the detail of the case, which was and remains a complex issue. It relates to the funding of Woodburn house to provide additional training facilities—the funding came from the western Scotland European regional development fund programme 1997 to 1999, which was before the Parliament was in existence. There has been a community reaction to the college's decision to sell the land and building for development—I realise that the local member knows that and is representing that view.

However, under Commission guidance in relation to article 24 of Council regulation 2082/93, it is necessary for us to look at the conditions for the reduction or suspension of assistance in operations where irregularities or significant changes

“affecting the nature or conditions for the implementation of the operation”

have been detected during the programme.

This is one of those issues. The question relates to whether any repayment would be due. Until we have settled that, it is not possible to give the member a conclusive answer. However, because he has a strong interest in the issue and has taken it forward, I make a commitment that we will keep him informed. If there is significant information, we will provide it to him.

Improving Regional Economic Activity (Education)

3. Aileen McLeod (South Scotland) (SNP): To ask the Scottish Government what strategic contribution education can make to improving regional economic activity. (S4O-03403)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): Education has a key role in improving regional economic activity by ensuring that all our young people can contribute to and benefit from a strong economy. Our ambitions for economic growth will not be realised without a higher level of employment among young people. As the commission for developing Scotland's young workforce recognised, the curriculum for excellence, college reform and the modern apprenticeship programme provide a strong foundation for ensuring that young people are equipped with the skills for learning, life and work. The Cabinet Secretary for Training, Youth and Women's Employment has welcomed the Wood commission's landmark report and yesterday made a statement in which she committed to working in partnership to take forward its ambitious agenda.

Aileen McLeod: I thank the cabinet secretary for that comprehensive response. He will be aware that Dumfries and Galloway has an unusually low level of qualifications in the workforce. In light of that, what strategic consideration is the Government giving to improving the situation through working in partnership with others at local and national level and in light of the Wood commission report?

Michael Russell: As a former representative of the South of Scotland, I know that Dumfries and Galloway has an unusually low level of qualifications in the workforce. That is why there has been significant investment in the Crichton site to ensure that there are a number of institutions of strength and significance in one place, building real momentum. The Scottish Further and Higher Education Funding Council and local authority education departments are working with colleges and schools in six early adopter regions for Wood, including Dumfries and

Galloway, to increase the range and scale of vocational pathway opportunities for young people. We need to ensure that there is good partnership working. We need to bring in Skills Development Scotland and ensure that there are more vocational options for young people and a focus on the STEM—science, technology, engineering and mathematics—subjects. We also need the strong, committed, principled and willing buy-in of the local authority to make that happen.

Fife Schools Maintenance Backlog

4. Alex Rowley (Cowdenbeath) (Lab): To ask the Scottish Government what action it is taking to address the estimated backlog of over £72 million for necessary school maintenance costs in Fife. (S4O-03404)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): As the member will be aware, the maintenance of school buildings is the statutory responsibility of local authorities in Scotland, as defined by section 17 of the Education (Scotland) Act 1980. It is the responsibility of individual local authorities to manage their budgets and to allocate the total financial resources that are available to them on the basis of local needs and priorities, having first fulfilled their statutory obligations and the jointly agreed set of national and local priorities.

The vast majority of that funding, including any money for schools maintenance, is provided by means of a block grant. However, Fife Council was also awarded £19.4 million for the replacement Auchmuty high school building, which opened in August 2013, and will be awarded a further £23 million to replace the existing Buckhaven and Kirkland high school buildings over the next few years.

Alex Rowley: The minister will be aware that, in a written question, I asked the Scottish Government for an update on the maintenance needs of the school estate across Scotland, the response to which said that the Scottish Government does not hold information at that level. I have since contacted local authorities across Scotland and, to date, I have had responses from seven of them. Tallying up the maintenance needs of those seven authorities, I see that the figure comes to some £481 million. Does the minister not accept that our school estate across Scotland is in dire need of investment and that many schools out there need investment now? Will he not accept some responsibility and get into dialogue with local authorities to look at the maintenance needs of our school estate across Scotland?

Dr Allan: As the member is the former council leader in the area concerned, he will be more than aware that it is the statutory responsibility of Fife

Council to maintain its schools and that, under the 1980 act, it has never been the legal responsibility of this or any previous Government to maintain schools. As I have indicated, this Government has fulfilled our ambitions when it comes to building, rebuilding and refurbishing schools—I have mentioned two in Fife that I have had the pleasure of visiting. The member cannot escape the statutory responsibility of the council of which he was leader for maintaining buildings.

Annabelle Ewing (Mid Scotland and Fife) (SNP): Can the minister confirm how much the Scottish Government has invested in the Scotland's schools for the future programme, notwithstanding the swingeing Westminster cuts that have been made to Scotland's budget?

Dr Allan: As I indicated, the Government's responsibility relates to rebuilding schools. We have fulfilled that responsibility or priority. The Government is investing £800 million in the £1.25 billion Scotland's schools for the future programme, with the remainder coming from local authorities. Across the country, 67 new schools will be built for around 46,000 pupils, with at least one new school project in every local authority area—and there are two in Fife. All the new schools will be open to pupils by March 2018.

Relationships, Sexual Health and Parenthood Education (Guidance)

5. Patrick Harvie (Glasgow) (Green): To ask the Scottish Government when it will produce the final version of its guidance on relationships, sexual health and parenthood education and whether the right to be properly informed with the knowledge to make safe, healthy and positive choices will be an integral part of the document. (S4O-03405)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): We received a wide range of responses to the engagement on the draft guidance and will publish finalised guidance later this year. We fully recognise the importance of the guidance and want to ensure that we strike the right balance. The majority of comments made in feedback were in relation to teachers, children and young people on issues of conscience, and on the parental right of withdrawal from specific lessons on sexual health education. These are issues on which strong opinions are held and it is important that time is taken to develop guidance that addresses the issues in a sensitive way.

Patrick Harvie: It is now pretty much globally accepted that the evidence shows that good-quality education about sex, sexuality, sexual health and emotional wellbeing is crucial to encouraging positive, healthy choices among young people as well as protecting them from

coercion, sexual abuse and exploitation. Does the Government accept the scale of that body of global evidence? Will it commit to ensuring that that principle is followed through for all young people in all schools—denominational and non-denominational—and will it agree to meet organisations with a specific interest, such as Barnardo's Scotland and LGBT Youth Scotland, before it finalises the document?

Michael Russell: The Children and Young People (Scotland) Act 2014 makes a legislative commitment to wellbeing. It is far from the case that we are establishing high-quality education in these matters, because that is already established in Scotland and is under way. We now need to ensure that, as the guidance changes in the light of legislative and societal changes, we make changes in a consultative way that takes people with us, not in a confrontational way that loses people.

I have always been willing to meet groups right across the spectrum, and I maintain that willingness. Patrick Harvie knows that I have met those groups before and I will do so again. We must ensure that we have, as far as possible, an agreed way forward, not a confrontational way forward.

Gypsy Travellers (Education)

6. John Finnie (Highlands and Islands) (Ind): To ask the Scottish Government what assistance it provides to local authorities for the education of Gypsy Travellers. (S4O-03406)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): The Scottish Government provides core funding to the Scottish Traveller education programme, whose role includes the provision of advice and support for both families and professionals. Within STEP's remit was the production of guidance for local authorities, schools and support services, which was entitled "Inclusive Education: Approaches for Scotland's Travelling Communities within the context of interrupted learning". The guidance was published in March 2011 and was disseminated through the Traveller education network, of which 22 Scottish local authorities are members. That resource is now available online through Education Scotland.

Her Majesty's Inspectorate of Education also produced a publication in 2005 entitled "Taking a closer look at: Inclusion and Equality—meeting the needs of Gypsies and Travellers", which built on the self-evaluation guidance that is given in "How good is our school?" The guide can be used by schools to evaluate the quality of their approaches to inclusion and equality in relation to Gypsy Travellers and to provide examples of best practice.

John Finnie: I am grateful to the minister for that detailed response. The minister is aware of the level of disengagement that there is with the educational process among the Gypsy Traveller community. That is particularly the case in secondary education and it is particularly the case with young men. Will he look at ways of having contact with the Gypsy Traveller community to explore how to ensure that their lifestyle is supported by education rather than the education system excluding them?

Dr Allan: The member is right to point out the very specific needs of the Traveller community. Of course, the Scottish education system and the curriculum for excellence are founded on the idea that all children, regardless of their ethnic group or their background, have a right to an education that meets their needs and to a system that is flexible enough to cope with their needs rather than demanding that they conform to it. Institutions such as the Traveller education network have done a great deal to promote that further understanding and to ensure that we all listen to the very specific concerns that that community rightly made clear.

Rural Schools (Protection from Closure)

7. Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): To ask the Scottish Government what steps it is taking to protect from closure those schools classified as rural. (S4O-03407)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): The Government is committed to protecting rural schools and that is why we have strengthened the Schools (Consultation) (Scotland) Act 2010 to establish more rigorous and specific requirements before a local authority may propose closing a school. We will also improve the arrangements for all school closure proposals, requiring that they reach high standards of transparency and accuracy and protect schools from recurring closure consultations. Those changes will be brought into force on 1 August 2014.

Jamie Hepburn: In my constituency, there are three such rural schools: Banton primary school; Holy Cross primary school in Croy; and Chapelgreen primary school in Queenzieburn. In a survey that I conducted in the three villages, 92 per cent of people supported the policy of a presumption against the closure of rural schools. Does the minister share my disappointment that Labour-run North Lanarkshire Council refused to back that policy, going so far as to vote against the motion to support the policy that was lodged by the Scottish National Party councillors in North Lanarkshire?

Dr Allan: Although I cannot comment on individual schools, as the member will know, I

share his disappointment that not everyone has shared this Government's commitment to strengthening the legislation. North Lanarkshire Council must certainly explain its own position on that, but I believe and the Government believes that no rural school should be without the protection of the 2010 act. We certainly do not believe that no rural school should ever close—sometimes that is necessary—but it is important that education authorities demonstrate careful consideration before proposing a rural school closure at each stage and that that leads to a decision that is based on an understanding of the needs of the community.

Scottish Further and Higher Education Funding Council (Meetings)

8. Claire Baker (Mid Scotland and Fife) (Lab):

To ask the Scottish Government when it last met the Scottish Further and Higher Education Funding Council and what issues were discussed. (S4O-03408)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): Scottish Government officials meet the Scottish funding council regularly to discuss matters relating to universities and colleges. The last strategic liaison meeting between the Scottish Government and SFC officials was on 27 May. In addition to that, I meet the chair and the chief executive of the Scottish funding council quarterly to discuss strategic priorities and progress. The most recent meeting with them took place on 5 March, with the next meeting being scheduled for 7 August.

Claire Baker: The cabinet secretary may be aware of Fife College's decision to replace the adult programme courses with a two-year community skills course. Concerns have been raised with me that, for more than 100 students who have additional support needs and who currently benefit from non-certificated courses, the new course will not meet their needs and they will be excluded from college opportunities and the related social and educational benefits. What direction does the cabinet secretary give to the Scottish funding council regarding educational opportunities for adults with additional support needs within the college sector and does he recognise that the reduction in non-certificated courses is having an adverse impact on people who have additional support needs?

Michael Russell: There are two parts to that question. I certainly believe that the college sector should be encouraged to work right across the community to provide opportunity for all who come to colleges, including those with additional needs, who require to be accommodated in and supported by colleges.

However, I do not agree with the second part. Certificated courses are vital and important for all those who come to colleges, and it is important that we look at the ways in which we can provide those opportunities even to those who are most distant from learning.

Claire Baker may have raised the issue with Fife College, which would be the right thing to do. The principal and the chair of the board are open and approachable on all matters. She may also raise the issue formally with me, and I will raise it with the college if she gives me the details of the case. Fife College, like all our colleges, endeavours to ensure that all young and older people in its area are given every opportunity, and I am sure that it is operating in that way.

Student Associations

9. Graeme Dey (Angus South) (SNP): To ask the Scottish Government how it encourages the establishment of student associations, and how many have been set up since the Post-16 Education (Scotland) Act 2013 came into force. (S4O-03409)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): Student associations are vital to ensuring that colleges and universities deliver the best possible experience for students. The Post-16 Education (Scotland) Act 2013 recognises the need for universities and colleges to have a student association that represents the interests of their student population.

We continually seek opportunities to work with the Scottish Further and Higher Education Funding Council, the National Union of Students Scotland and other key stakeholders to ensure that a strong body of student associations exists throughout Scotland.

Graeme Dey: What work is being done to ensure that every college has an efficient, democratic and active student association that is appropriately represented at board level, as opposed to the situation that existed in some instances pre-reform in which the student voice was hand-picked by management?

Michael Russell: That is a very good question. A variety of actions is being undertaken. For example, two weeks ago I met the outgoing student president for Edinburgh College, Kelly Parry, to talk about a range of issues, including the need for wider representation throughout Scotland by ensuring that every college has a student association that operates effectively.

At the young voters event on Friday, I met two student presidents and I made a commitment—indeed, I offered to meet all the student presidents at an appropriate time—to talk to them about the

work that they are doing and any issues of concern, including the welfare cuts coming from Westminster.

I am pleased that the 2013 act has ensured an increase in the number of student members on a college board from one to two. That increase has already happened in the 10 single college regions and it will occur in other regions when the new regional arrangements are put in place, on 1 August for Glasgow and the Highlands and Islands and on 1 October for Lanarkshire.

Musical Instrument Tuition in Schools

10. Nigel Don (Angus North and Mearns) (SNP): To ask the Scottish Government what importance it attaches to musical instrument tuition in schools. (S4O-03410)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): We attach great importance to instrumental music tuition in schools. In late 2012, we announced the setting up of an instrumental music group under the chairmanship of David Green. The group reported in June 2013 and made 17 recommendations, which were all accepted in full or in part by the Government.

In November 2013, we established the instrumental music implementation group, again under David Green's leadership. That group has been working hard to take forward the recommendations and developing more support for local authorities.

Nigel Don: The minister will recognise, as I do, that musical skills are not the only aspect of instrumental skills, which also bring some very real social benefits.

It seems that local authorities continue to find musical instrument tuition to be an easy budget to prune. I recognise their financial circumstances, but does the minister share my concern that we might be going back to a situation in which instrumental skills are the preserve of the rich?

Dr Allan: It would certainly be disappointing if any local authority were to take that attitude. There has been a good degree of consensus between local authorities and the Government throughout David Green's activities to ensure that we do not create or maintain a situation in which instrumental music tuition is the preserve of any one social group.

It is important that David Green has, for the first time, put together a national vision for instrumental music tuition to ensure that we give it the place that it deserves in our education system. It is worth noting that, over the past 11 years, the Scottish Government has put £97 million into the youth music initiative, which is designed to ensure that

instrumental music is available to the widest possible group of young people.

Mary Scanlon (Highlands and Islands) (Con): I welcome the new vision—and, indeed, David Green's recommendations—but does it include access to bagpipe tuition? I note that in some local authority areas bagpipe lessons are offered in every secondary school, whereas in others such lessons can be offered in less than a quarter of schools.

Dr Allan: The member will be pleased to note that I share her enthusiasm for bagpipes. Although the report does not specify individual musical instruments, it encourages local authorities to take cognisance of local musical traditions and ensure that they are respected and promoted.

Alex Rowley (Cowdenbeath) (Lab): Is the minister willing to come to my constituency and look at a bagpipes project that has been set up in primary schools by the local area committee? If people are to continue to play bagpipes and if pipe bands are to continue to be part of Scotland's heritage and communities, we need to take the issue into the primary schools. I would very much welcome it if the minister came and looked at the project.

Dr Allan: I am more than happy to take up the member's invitation, and I take this opportunity to praise the National Piping Centre and the other organisations that work with schools and young people in this area.

The Deputy Presiding Officer (John Scott): Excellent.

Getting it Right for Every Child (Additional Support Needs Monitoring)

11. Kevin Stewart (Aberdeen Central) (SNP): To ask the Scottish Government how it monitors the application in schools of getting it right for every child for children who require additional support. (S4O-03411)

The Minister for Children and Young People (Aileen Campbell): Education Scotland monitors the application of GIRFEC through its inspection programme. The current inspection framework "How Good is our School 3?" includes a focus on the wellbeing indicators in quality indicator 2.1, on learners' experiences, as well as consideration of the implementation of GIRFEC approaches through QI 5.3, on meeting learning needs. Education Scotland is also supporting schools to develop a shared understanding of GIRFEC and to introduce the self-evaluation tool that has been developed in partnership with the Scottish Government.

The implementation of the Education (Additional Support for Learning) (Scotland) Act is monitored

through the routine inspection of schools. Furthermore, the Scottish ministers report each year to the Scottish Parliament on the act's implementation, and that report contains annual statistics and practice information relating to additional support for learning.

Kevin Stewart: Parents of children with additional support needs have raised with me concerns that Aberdeen City Council, which has no autism strategy, is not getting it right for their children. Do the inspection bodies inspect the education of children with such needs, and are specific audits undertaken on whether authorities are applying the GIRFEC principles to those children?

Aileen Campbell: In its inspections, Education Scotland places a priority on how well schools and services meet the needs of children with additional support needs and considers how GIRFEC approaches are being implemented. Her Majesty's inspectors take account of that provision in their evaluation of quality indicators, all of which have specific themes that are linked to additional support needs and those who are at risk of missing out. In every inspection, we are informed about the number of young people with additional support needs and the nature of those needs. Education Scotland also inspects special schools and units in which all children and young people have additional support needs, including complex needs.

Moreover, Education Scotland has resources available through our learning trails, which are professional development packs that are used to meet the needs of specific groups of children, including those with autism. I am, of course, happy to meet and liaise with the member, if required, to help his constituents. The E in GIRFEC stands for "every", and we must ensure that every child in Scotland gets the support that they need.

Attainment Gap (Boys and Girls)

12. Jackson Carlaw (West Scotland) (Con): To ask the Scottish Government how it will address the attainment gap between girls and boys identified in the 2014 edition of "Summary statistics for attainment, leaver destinations and healthy living". (S4O-03412)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): Since 2007, the attainment of both boys and girls has risen significantly, although the gap between boys and girls remains. However, over the same period, the gap in positive destinations has narrowed from 3 percentage points in 2007 to 2.4 in 2012-13—a small, but significant, change.

Together with all our partners, the Scottish Government shares a strong commitment to

driving improvement and ensuring equity in attainment, including addressing any gender-based differences, to ensure that all our children and young people achieve their full potential. That is reflected in all our key policies and programmes, including curriculum for excellence, teaching Scotland's future, getting it right for every child, the early years framework and opportunities for all.

We are working to ensure that teachers and school leaders have the right skills and experience in the right numbers to deliver these improved outcomes for all children and young people, and the range of integrated policies and programmes will help realise our ambition of making Scotland the best place for all children to learn. Of course, the member will realise that only with the full powers of independence will we truly be able to do everything we can to reduce poverty and finally close the attainment gap.

Jackson Carlaw: I thank the cabinet secretary for that distressed response, for which his fading voice might have been given a rest latterly.

It is disturbing that, for the fifth consecutive year, the gulf in attainment between girls and boys has widened still further. Moreover, statistics that were released last week highlighted that, as a stand-alone ethnic group, "white, Scottish males" were outperformed by all female ethnic groups and by every other male group with one exception. I am sure that the cabinet secretary will agree that, in the short run, never mind the medium run and the long run, that is far from sustainable, so what does he intend to do about it, other than give a little dose of wishful thinking, which was his response a moment ago?

Michael Russell: The truth is true, no matter how quietly it is said.

The reality is that attainment is improving and that it continues to improve, but the radical improvement in attainment that we wish to see cannot come without the full powers of a normal Parliament. [*Interruption.*] Labour members are crying out; they should be crying out against poverty and its effects and the fact that how a person does in school is often determined by where they come from. In order to eliminate that, we need to bear down on poverty.

The Scottish Government has made considerable progress in closing the attainment gap with the tools that it has, but it needs all the tools to do the job. [*Interruption.*]

The Deputy Presiding Officer: Order.

Michael Russell: No amount of shouting from Labour or the Conservatives will dispel that absolute truth.

Kezia Dugdale (Lothian) (Lab): The cabinet secretary is right. Attainment is improving, and it is

improving for care leavers, but only at half the pace that it is for all other schoolchildren. What specific work is the cabinet secretary doing to improve the educational attainment of looked-after children across Scotland?

Michael Russell: Some very good work is being done. The member will know that that has been a long and persistent problem in Scotland. It has been tackled in a number of different ways.

I pay tribute to the work that has been done by Glasgow City Council, for example. It has worked with a number of special projects to focus down on individual children and help them to attain. That model, which is being increasingly used in secondary schools across Scotland, involves taking pupils who have the biggest difficulties and the greatest barriers to learning—they are often looked-after children—and ensuring that those are attended to.

Last week, I spoke at the next stage of the pathfinder project that is looking at closing the attainment gap. A hundred secondary schools were represented. I have visited three of the six first pathfinders and have seen in those schools an attention to data and detail in dealing with individual young people that transforms their and the school's outcomes. Those are exciting projects, and I would welcome the member having the opportunity to see them in action and to realise that, by focusing on individual children, including looked-after children, there can be dramatic and very fast improvements in performance.

Liam McArthur (Orkney Islands) (LD): The cabinet secretary will be aware that there have been a number of reports recently in relation to closing the attainment gap. Earlier this week, the author of one of those reports—the Joseph Rowntree Foundation—met the Education and Culture Committee. As well as making it clear that although funding is important it is not sufficient, the Joseph Rowntree Foundation pointed to the benefits of having Education Scotland focusing on the performance of schools in closing the attainment gap as part of the inspection regime and the benefits that would arise from taking a pupil premium approach that is similar to that taken south of the border. Is the cabinet secretary open to those two ideas?

Michael Russell: Education Scotland is already taking a focused approach, and it has been a key partner in the process of looking at improving schools and the improvement methodology. It will continue to be so.

I am glad that the member accepts my argument that resources are important and that the full resources that are likely to be available for the task can come only from the Scottish Parliament having full fiscal powers.

Childcare Expansion (Publicity)

13. Liz Smith (Mid Scotland and Fife) (Con):

To ask the Scottish Government how it is publicising to parents the expansion of childcare provision. (S4O-03413)

The Minister for Children and Young People (Aileen Campbell): The Scottish Government is developing public information materials to raise awareness of the increased funded hours of early learning and childcare and extended eligibility for vulnerable two-year-olds.

Liz Smith: Following yesterday's Education and Culture Committee's evidence session, the minister was unable to tell us just how many of the 3,440 cohort of vulnerable children from workless families would be guaranteed childcare from August. Will the minister put on record that number and say when the Scottish Government's expects the relevant information to be publicised to parents?

Aileen Campbell: As I said yesterday in the committee, local authorities are making progress every day and the picture of what is in place will continue to change in the lead-up to implementation. We know that local authorities are working very hard, as we are in the Scottish Government, to ensure that the implementation of the expanded provision is successful. It is important to remember—I made this point yesterday—that the decision to delay the legal enforcement is to allow local authorities to have that transitional flexibility.

I wonder, with the continual negativity around the proposal, whether the Conservatives are against the expansion of childcare, which is in stark contrast to their Conservative colleagues across local government. [*Interruption.*]

The Deputy Presiding Officer: Order.

Aileen Campbell: Indeed, all parties across local government are working very hard to ensure that the expansion to childcare provision that we announced in January is successfully implemented. That will benefit children's lives; it will help families across the country. We should all get behind the proposal to ensure that it is successfully implemented once it comes into force in August.

University of the West of Scotland Crichton Campus (Visits)

14. Joan McAlpine (South Scotland) (SNP):

To ask the Scottish Government when the Cabinet Secretary for Education and Lifelong Learning last visited the Crichton campus in Dumfries and what was discussed. (S4O-03414)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): I visited

the Crichton campus on 12 May to meet staff and students of the University of the West of Scotland. I also met Donald MacKinnon, who was relinquishing his post in the Crichton Development Company, and I wished him well.

During my visit, I heard about the excellent work that everyone on the campus is doing as part of the unique, collaborative and successful academic partnership at the Crichton.

Joan McAlpine: Does the cabinet secretary agree that a students association serving the students of Dumfries and Galloway College, the University of the West of Scotland, the University of Glasgow and Scotland's Rural College would be an excellent way to take forward the joint working that he described takes place on the campus?

Michael Russell: The member is absolutely right. I have been a long-standing supporter of ensuring not only that there is a single students association on the site—that would be a very big step forward, and I know that there is already a shared association—but that it has premises from which to work.

It is important on the Crichton site—the site has the widest diversity of students—that students have somewhere that they can call their own and that they can use for social and other activities. I would be very keen for such a proposal to come forward. I hope that the Scottish Further and Higher Education Funding Council might look sympathetically on such a proposal and that the partner agencies in the Crichton would see that as a very important next step.

Geology (Curriculum for Excellence)

15. Clare Adamson (Central Scotland) (SNP): To ask the Scottish Government what opportunities there are in the curriculum for excellence to study geology. (S4O-03415)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): The Scottish Government recognises the importance of geological and earth science study to the curriculum and to the Scottish economy.

The curriculum for excellence framework enables young people to undertake earth science learning in science and social studies curriculum areas. Learners will be able to develop an understanding of the formation, characteristics and uses of the earth's natural resources and landscape.

The new national qualifications include aspects of earth science in chemistry, physics, geography, science and environmental science courses.

Clare Adamson: Scotland produced the father of geology, James Hutton, and there is a great tradition of studying geology here. Will the minister

confirm that a student unable to study geology at higher level would still be able to take up geology at further and higher education levels by studying geography or other science subjects?

Dr Allan: I offer that reassurance. Higher geology is not a mandatory requirement for entry into earth science courses at university: higher in a range of subjects are used as a minimum entry requirement for those wishing to study geology.

Dumfries and Galloway Council Director of Education (Meetings)

16. Alex Fergusson (Galloway and West Dumfries) (Con): To ask the Scottish Government when it last met Dumfries and Galloway Council's director of education and what matters were discussed. (S4O-03416)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): Education Scotland's area lead officer has regular meetings with the director of education. The area lead officer last met the director of education on 1 May. At this meeting a range of topics were discussed, including a tailored package of support, which will form part of the local partnership agreement between Dumfries and Galloway Council and Education Scotland.

Alex Fergusson: I imagine that the cabinet secretary and his officials will have had some discussions over the financing and siting of the proposed new education hub in Dumfries. Does he agree that it would preferable for a full evaluation of alternative sites for the education hub to take place before any final decision is taken to locate it at the King George V playing field?

Michael Russell: I agree with the member. There are a number of potential sites, but if we are to make sure that there is no duplication, that the college's resources are fully utilised and, for example, that there can be participation in a potential students association—as well as taking into account past investment in the Crichton site—it is extraordinary that that site seems to have been rejected already.

I urge the council to work in partnership with the Scottish Government because we would like to see good implementation taking place in Dumfries and Galloway as one of the pilot areas. I am sure that we could do so. Unfortunately, a decision to spend money in a wasteful way would not help that.

Housing (Scotland) Bill: Stage 3

14:41

The Deputy Presiding Officer (John Scott):

The next item of business is stage 3 of the Housing (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2, the marshalled list and the groupings. The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after each debate. Members who wish to speak in a debate on a group of amendments should press their request-to-speak buttons as soon as possible after I call the group.

Section 1—Abolition of the right to buy

The Deputy Presiding Officer: Amendment 38, in the name of Alex Johnstone, is grouped with amendments 39, 71, 72 and 73. I draw members' attention to the pre-emption information on the groupings.

Alex Johnstone (North East Scotland) (Con):

The purpose of amendment 38 is to remove section 1 of the bill. The effect would be to remove from the bill the attempt to end the right to buy.

The right to buy council houses has been the greatest driver for social change in Scotland in 50 years. It has created strong mixed-tenure communities that to this day remain examples of how we can do that within many of our towns and cities across Scotland. It has driven the aspiration to home ownership and has been a positive thing in many areas.

The pressure to end the right to buy has existed in Scotland for some time and has been manifest within Parliament. However, the notion that we should somehow protect social housing has not been consistent through the discussions that have taken place. Indeed, the notion of social housing was, in effect, created by the Housing (Scotland) Act 2001. As a consequence, it is only since then that we have been able to divide social housing from rented housing or other forms of tenure.

I deny that the so-called loss of social housing is really happening. Of the 1,400 houses that were sold during the last full year for which information is available, only 347 were sold under the modernised right to buy. However, 1,173 houses were sold under the pre-2001 preserved right to buy to people who had been tenants in their properties for more than 12 years—many for significantly longer than that. I maintain that those who exercised their right to buy were long-term

tenants who, had they not decided to buy, would have remained long-term tenants. Houses will not be freed up by removing their right to buy. In fact, the suggestion is that, in the first year, as few as 30 houses might be freed for new tenancies as a result of the proposed change.

Let us contrast that with the effect of the bill and its move to end the right to buy. Provisions in the bill will give a two-year period in which people who are entitled to exercise their right to buy will be able to make up their minds whether to exercise that right. I presume that, in an independent Scotland, rights will not be removed instantaneously from our people without compensation, so I presume that the opportunity to exercise an existing right will be maintained.

The effect of the attempt to remove the right to buy will, I believe, be a feeding frenzy in which the Government might lose rather more houses than it expects to save. I believe that it is a mistake to move forward with the abolition of the right to buy at this time, and I believe that doing so will prove to be counterproductive, by the Government's own criteria.

I move amendment 38.

14:45

Mary Fee (West Scotland) (Lab): Amendment 72 seeks to reduce from two years to one year the period before abolition of the right to buy. That follows the recommendation of the Infrastructure and Capital Investment Committee and the majority of the evidence that the committee received, and it would enable removal of the right to buy as quickly as possible. Although I am sympathetic to the minister's wish to allow as much time as possible for people to take up the right to buy before it is abolished, the issue has been in the spotlight for a considerable time, and those who wish to exercise the right have had a decent amount of time in which to do so. One year on from the passing of the bill is, therefore, a fair and equitable period.

I do not support amendments 38, 39, 71 and 73, in the name of Alex Johnstone, which seek to retain the right to buy.

Patrick Harvie (Glasgow) (Green): I once again record my support for the abolition of the right to buy and state that I oppose Alex Johnstone's attempt to remove section 1.

Alex Johnstone makes the case that abolition of the right to buy will not, like a magic bullet, transform things overnight. Of course it will not; I do not think that anyone is suggesting that it will. I think that everybody who is proposing abolition of the right to buy recognises that the benefit of abolition will be achieved in the long-term and will

be maximised if the measure is accompanied by investment in new-build social housing. I support abolition on those grounds.

Alex Johnstone also tells us that the right to buy “has driven the aspiration to home ownership”.

I would go further; I would say that it has contributed to stigmatisation of other forms of tenure in our society. If we want mixed communities, we should be aspiring to a situation in which all forms of tenure—owner-occupation, the social rented sector and the private rented sector—are seen as respected options that can provide people with places in which they can choose to live with dignity, rather than to a situation in which the idea is that owner-occupation is the tenure of choice to which everybody ought to aspire.

I will oppose Alex Johnstone’s amendments and will support amendment 72, which will reduce to one year the period prior to abolition.

The Minister for Housing and Welfare (Margaret Burgess): The Scottish Government’s policy is to end the right to buy. It is a policy that the majority of stakeholders support; I am grateful for that support.

More than 450,000 homes have been sold under the right to buy, which has been a major cause of housing shortages in many areas. Lots of people choose to rent in the social sector, but for others it is their only option. We want to do everything possible to ensure that social rented housing is protected for those people and for future generations. Ending the right to buy will preserve valuable social housing, increase choice for tenants and people who are on waiting lists and help to ensure social housing’s role in mixed-tenure communities in which people want to live.

Again and again, stakeholders have told us that they support the policy. Tenants have told us of the damaging impact that the right to buy has had on the social housing sector, and social landlords have told us how ending the right to buy will help them with their planning and stock management. Yet, in the face of all the evidence saying that the right to buy has had its day and has no place in the Scotland that we want to build, Mr Johnstone continues to call for that outdated and unpopular policy to continue. That can surely only be because of his party’s historic attachment to the right to buy. However, surely even he must accept that it flies in the face of what is best for landlords, tenants and the community as a whole.

Our ending the right to buy does not mean that the Scottish Government does not support home ownership: far from it. However, we do not have to keep losing housing stock in order to help people to get on the housing ladder. We are committed to

helping people into home ownership in other ways, and we support a range of schemes to achieve that. I therefore invite Mr Johnstone to seek to withdraw amendment 38 and not to move amendments 71 and 73.

Amendment 39 seeks to remove section 2 from the bill. That section has nothing at all to do with ending the right to buy; it simply clarifies two provisions in the Housing (Scotland) Act 2010. The section protects the right to buy of existing tenants who move to new-supply houses in circumstances that are outwith their control. It also makes it clear that people who lived in social housing before 2 March 2011 and who later became tenants should be treated as new tenants. That was always the 2010 act’s intention, but the provision could have been open to misinterpretation. The bill is simply the first legislative opportunity that we have had to tidy those matters.

Amendment 72, which Mary Fee lodged, would reduce from two years to one year the notice period before the right to buy ends. I share her wish to stop as soon as is reasonably possible the sale of socially rented homes. Most stakeholders told us that they wanted that, too. That is why I lodged a stage 2 amendment to reduce the notice period to two years from the three years that we originally proposed.

I know that Mary Fee disagrees with me, but I do not consider that a period of one year would be fair to tenants. If the notice period were to be reduced to one year, the risk would be that tenants could be rushed into buying something that they cannot afford and that is not right for them. It is important that tenants have time to read the guidance that the Scottish Government will produce, to consider their options and to obtain reputable financial advice.

I will raise one more thing about the notice period. It is important to take into account European convention on human rights considerations. Tenants must be given a fair and reasonable opportunity to exercise their right to buy before it ends. A minimum notice period of two years is fair and reasonable. For those reasons, I cannot support amendment 72.

Alex Johnstone: I will press amendment 38. The right to buy has in recent years been a significant and positive influence on the development of communities. The Government’s attempt to remove that right from Scotland has been driven by political rather than practical aspirations. It is one of those things on which time will tell who is right and who is wrong. I will determinedly dig in my heels today to defend a policy that I believe has contributed positively to large areas of Scotland.

At stage 2, I did not oppose the reduction in the notice period from three to two years, because two years and three years are largely similar. However, the further reduction to a single year that Mary Fee's amendment 72 proposes would significantly limit individuals' opportunity to take up an existing right. Consequently, I will oppose that amendment.

The Deputy Presiding Officer: The question is, that amendment 38 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. As this is the first division at stage 3, I suspend the meeting for five minutes.

14:53

Meeting suspended.

14:58

On resuming—

The Deputy Presiding Officer (Elaine Smith): We move to the division on amendment 38. The question is, that amendment 38 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)

Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)

Russell, Michael (Argyll and Bute) (SNP)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 12, Against 103, Abstentions 0.

Amendment 38 disagreed to.

Section 2—Amendment of right to buy provisions

Amendment 39 not moved.

Section 3—Reasonable preference in allocation of social housing

15:00

The Deputy Presiding Officer: Group 2 is on allocation of social housing and creation of short Scottish secure tenancies. Amendment 1, in the name of John Lamont, is grouped with amendments 40, 2, 41, 42 and 4.

John Lamont (Ettrick, Roxburgh and Berwickshire) (Con): Amendments 1 and 2 seek to introduce a local connection criterion for social landlords to consider when allocating houses. One of the biggest concerns for my constituents is the frustration that local people cannot always secure local housing in their own communities. People are often forced to apply for and take housing in some of the larger settlements in the Borders, which might be several miles away from their family and community and some distance away from their place of work. Such an approach is not consistent with the aim of encouraging cohesive communities.

The purpose of amendment 1 is to enable social landlords to give extra priority to applicants who have a local connection. I initially proposed my amendments at stage 2, when the minister kindly said that although she was sympathetic to my aims, she was concerned that my amendments did not require the applicant to have an unmet housing need. I took that on board and I have lodged redesigned amendments that would ensure that housing need remains a priority for social landlords.

Amendment 1 would give social landlords discretion to define “particular connection” to meet

their needs. In rural areas such as the Borders, a local area might be a particular town or village, whereas in a city it might be a particular street, or it might be even more specific than that.

Amendment 2 clarifies that and confirms the intentions behind amendment 1.

All political parties have paid lip service to the notion of supporting local housing allocations policy. Indeed, the Labour Party said in its 2011 manifesto that it wanted to reform the allocations system, to ensure that

“sufficient weight”

was

“given to meeting the needs of local people.”

I hope that the Parliament will support my amendments today.

I move amendment 1.

Jackie Baillie (Dumbarton) (Lab): Amendment 40 is supported by a number of housing bodies: Homeless Action Scotland, Shelter Scotland, Scottish Churches Housing Action, Crisis and the Legal Services Agency. In essence, amendment 40 would place a requirement on the Scottish ministers to include a definition of “unmet housing needs” in guidance. I am grateful to the minister for meeting me, following stage 2, and for her subsequent letter setting out her intentions, which I will return to.

My concern centres on consistency of approach. The definition of “reasonable preference” appears to rest on the decision of each social landlord on whether someone’s housing needs could indeed be met elsewhere. How that assessment should be made, at what point it should be made and how social landlords will be held to account, particularly if they are not giving appropriate priority to allocating properties to people in housing need, are a bit vague and definitely subjective.

I recognise that the minister’s intentions are good, but I am sure that she would agree that removing the burden of making subjective decisions from social landlords would ensure consistency, which is certainly a desirable outcome.

The amendment also seeks to protect the role of social housing, so that it is not seen as the option of last resort, and links allocations policies to strategic housing priorities.

The minister’s letter helpfully addresses the points raised and it would be useful if she could supplement her response today by publishing the letter in the Scottish Parliament information centre. As the guidance is statutory, it would be helpful if the minister could clarify in her closing remarks

whether there would be oversight from the Scottish Housing Regulator.

Before I draw to a close, I will make a couple of brief remarks about John Lamont's amendments 1 and 2, on local connection. As Homeless Action Scotland and Positive Action in Housing have pointed out, to give priority to people who have a local connection excludes those who are migrants and refugees. In England, where social landlords have introduced a local connection criterion, allocations to black and minority ethnic households have dropped by a quarter. Changes to allocations policies are adversely affecting diversity, so I urge opposition to amendments 1 and 2.

My amendment on succession for carers was not selected. It is the right of Presiding Officers not to select amendments, but nevertheless that was disappointing. There was substantial support for the amendment from carers and carers organisations across Scotland, as well as from a plethora of housing organisations.

I hope that the minister will agree to continue her dialogue with me and those organisations to provide practical reassurance on the implementation of the new restrictions on succession to ensure that the feared negative impact on carers does not materialise.

Alex Johnstone: Amendment 41 would have the unusual effect of putting back in something that the Government took out at stage 2. The consultation and the first draft of the bill contained a section to allow age to be taken into account as a criterion of allocations policy. The measure was removed by the minister at stage 2, following a campaign that argued that it could lead to widespread discrimination against younger people. I believe that the campaign was based on scaremongering and I am aware of no evidence to support the claims about discrimination. The minister argued that age in itself is not an indicator of housing need, but the five organisations that have given me input have never claimed otherwise. The case is based on the argument that, in considering how best to make a particular allocation to someone in significant housing need, it should be possible to consider age as a secondary factor where lifestyle or related issues need to be taken into account in order for a sensible, sustainable let to be made. I believe that the section should be reintroduced to the bill, and that would be the effect of my amendment.

On the other amendments in the group, I support John Lamont's ideas and have significant experience from my mailbag of the difficulties in certain rural areas, with local people finding it impossible to find a house locally. If local connections were to be considered, that would

play a significant role in creating stable communities.

Jackie Baillie's amendment 40 is one of those amendments that seem to centralise and standardise all decision making. My concern is that it would have the opposite effect and would allow local considerations to be taken into account. Mary Fee's amendment 42, on the other hand, would have significant value if John Lamont's amendments or my amendment were not successful. I therefore support amendment 42.

Mary Fee: Amendment 42 would allow the sustainability of communities to be a factor in housing allocation. My amendment would allow local authorities and registered social landlords the flexibility that they told us they wanted when they gave evidence to the Infrastructure and Capital Investment Committee. Local authorities and RSLs know best what is needed to build and sustain their communities. The amendment would allow for a more holistic approach to housing allocation and would have regard to what is best for communities and individuals. It would also allow RSLs and local authorities to build and sustain strong communities.

For the reasons that I have just given, I feel that my amendment deals with allocation in a more appropriate manner, which would not be discriminatory to any group, while still allowing flexibility. For that reason, I will abstain in the decision on amendment 41, in the name of Alex Johnstone.

On amendment 4, I am pleased that the minister has taken on board the points that I raised in my amendment at stage 2 with regard to short Scottish secure tenancies. I am happy to support that amendment.

Patrick Harvie: I wonder whether, before the member finishes her contribution, she would talk about the concerns raised by the Glasgow and West of Scotland Forum of Housing Associations about her amendment 42, which, it suggests, implies that there exists a legal prohibition on taking certain issues into account. The forum does not think that such a prohibition exists. Would she also respond to Shelter's concern that housing need should be the primary issue? Would Mary Fee respond to those concerns about amendment 42, as this is the only chance to do so?

Mary Fee: I thank the member for his intervention. Amendment 42 specifically addresses the issue of housing need, which should always be a paramount concern. Local authorities and RSLs need to have the flexibility to build and sustain communities, and amendment 42 would give them the flexibility to do that.

Amendment 4 will ensure that any tenant who was to be moved to an SSST is told about the

action that caused that, what support is available to them and their right of appeal. I welcome amendment 4.

Margaret Burgess: I will begin by speaking to amendments 1 and 2. As I said at stage 2, I understand communities' wish for priority to be given to the housing needs of local people but, as I have previously explained, landlords can already take account of the fact that someone lives in a particular area and can give priority to local people, and some landlords do so.

Amendment 1 would require all social landlords to give reasonable preference to applicants with a local connection, regardless of local circumstances. I believe that it is better for landlords to have the flexibility—as they do at the moment—to take local connection into account if they consider that that is right for their area. That more flexible approach is very important for those landlords who provide housing for a particular client group, such as elderly people or veterans, for whom local connection is not always a relevant factor. Those examples illustrate that making local connection a reasonable preference category in legislation would remove a flexibility that is necessary in some cases.

Amendment 2 would allow landlords to take into account the length of time for which an applicant had been resident in an area when they allocate social housing. As I have said, I understand the wish for priority to be given to the housing needs of local people, but that must be balanced against the needs of all applicants. Landlords can already take local connection into account and can consider how long an applicant has been on the housing list. I am concerned that taking into account the length of time for which an applicant has lived in an area could make it more difficult for people to move when they have good reasons for wanting to do so.

Overall, I think that there is sufficient flexibility in the current arrangements, and I do not think that amendments 1 and 2 are the right way forward. Therefore, I invite John Lamont not to press them.

Jackie Baillie's amendment 40 would remove "unmet housing needs" from the definition in section 3 and instead would require that the circumstances for unmet housing needs should be prescribed in guidance. As Jackie Baillie said, the committee considered an identical amendment at stage 2, when I argued that having the definition on the face of the bill makes it clear that allocations should focus on addressing cases of unmet needs and that a landlord's reasonable preference categories should give priority to that. That remains the Government's position.

As Jackie Baillie also said, I met her to discuss that and other points that she had raised. We

discussed the steps that we can take to ensure that there is reasonable consistency in the way that landlords assess unmet housing needs. Jackie Baillie and Homeless Action Scotland argued that tying the assessment to local housing strategies would help to achieve consistency. After the meeting, I wrote to Ms Baillie to confirm that section 4 of the bill requires social landlords to have regard to the Government's guidance on allocation policies, so the guidance is statutory. I also advised that section 4 requires a landlord to have regard to local housing strategies in developing its allocations policy, and that the Government will use the statutory guidance on allocations to highlight that duty.

Jackie Baillie was also interested in how the impact of the new provisions on allocations will be monitored. The independent Scottish Housing Regulator is responsible for monitoring and reporting on the performance of all social landlords. It does so by reference to the Scottish social housing charter, in which the Government has set the outcomes and standards that landlords should meet, which include outcomes on housing options and access to social housing. The Government will use the regulator's reports for evidence of how the new arrangements are working.

I hope that the outline that I have provided reassures Jackie Baillie and that she will be content not to move amendment 40. If she does so, I invite the chamber to reject it.

15:15

Alex Johnstone's amendment 41 would reintroduce section 5 into the bill. That would allow landlords to take age into account in the allocation of social housing. I explained in detail at stage 2 my reasons for lodging an amendment to remove section 5, and my position has not changed.

Section 5 provoked a strong reaction. Landlords were keen to have flexibility to manage their stock effectively. Others, such as Scotland's Commissioner for Children and Young People, were concerned about the potential for discrimination against young people. I discussed the conflicting views with stakeholders. Having carefully weighed up all the arguments, I decided to remove section 5 from the bill.

I was concerned about the possibility of some groups, such as young people, being unintentionally discriminated against, and I was simply not prepared to run that risk. I am very much aware that antisocial behaviour can cause nuisance and distress to neighbours and communities. That is why I am introducing measures under the bill that will provide landlords with additional tools to tackle antisocial behaviour.

As I said at stage 2, there is more scope for sensitive lets to be used by social landlords. Officials will work closely with landlords to develop guidance to provide more advice on how sensitive lets can be used effectively in allocations. Removing section 5 was the right thing to do, and I do not support amendment 41, which seeks to reintroduce it.

The stage 2 equivalent to Mary Fee's amendment 42 was discussed in committee. I completely understand what Ms Fee is trying to achieve, and why. It is not clear, however, how amendment 42 would work in practice to deliver the outcomes that Mary Fee seeks.

The amendment refers to

"effects ... on the sustainability of particular localities or communities",

but it does not define what is meant by "sustainability". I am concerned that, with no proper definition, the provision would mean different things to different people, and would place landlords in an almost impossible position when they had to interpret and apply it.

Different landlords, through different interpretations, could end up applying the provision in very different ways, leading to highly inconsistent and potentially unfair outcomes for people seeking housing in different areas. I do not believe that that is what Mary Fee seeks, but it is what is likely to happen.

Mary Fee: The minister mentioned sensitive lets. Does she not agree with me that the core of my amendment 42 is that same principle of sensitive letting, and that that is what local authorities want to be able to provide?

The Deputy Presiding Officer: Minister, I would be grateful if you could begin to draw your remarks on this grouping to a close.

Margaret Burgess: I will cover the point that Mary Fee has raised.

There is a problem with landlords having to reconcile conflicting interests. The fact that the main stakeholders are divided—as Patrick Harvie mentioned—on the merits of amendment 42 suggests that it is unlikely to achieve what Mary Fee is seeking. The Scottish Federation of Housing Associations supports it, but Shelter and the Glasgow and West of Scotland Forum of Housing Associations oppose it. However, landlords can take account of the overall circumstances, including an individual's housing needs and the housing options that are available, when making allocations.

As I said earlier, we will work closely with stakeholders and landlords to ensure that that is included when we make guidance on sensitive

lettings and local letting initiatives, which we will develop through consultation. The guidance will illustrate the flexibility that is already open to landlords. I believe that that is a more effective means of achieving what Mary Fee and all of us want.

I lodged amendment 4 because of an issue that Mary Fee raised at stage 2. I was happy to do so at this stage, because I agree that it is right that tenants should have enough information to challenge a landlord's decision to convert their tenancy, if they want to do so.

Amendment 4 provides for that by requiring social landlords to set out a number of things in the conversion notice: first, details of the behaviour of the tenant or other person that the landlord has taken into account; secondly, the reasons why the landlord is serving the notice; and finally, information about the tenant's right to appeal. I was pleased to take that on board following Mary Fee's equivalent amendment at stage 2.

The Deputy Presiding Officer: I call on John Lamont to wind up.

John Lamont: The minster states that she believes that the current flexible system is adequate, but it is clear from the correspondence that I get from my constituents that the current system is not adequate, in that local families are not always able to stay in the local community of their choice.

I will deal with some of the remarks that Jackie Baillie made about my amendment 1. Clearly, there is some misunderstanding about the intentions behind my amendments 1 and 2. Those who are homeless, or other priority groups, would still get priority under my proposed measures. Amendment 1 would simply ensure that, where all other factors are equal, local connections would count more than they currently do.

On the suggestion that ethnic minorities could be disadvantaged by my proposal, I point out that it is often the case that ethnic minority groups also want to live close to family members as part of their own community, so they would also be able to take advantage of the amendment.

Jackie Baillie: Could John Lamont explain what has changed about the process in England, where there has been a change to local connection policies and a quarter fewer houses are now allocated to ethnic minority communities than was the case before?

John Lamont: Amendment 1 is not the same as what has been introduced south of the border. I am proposing my own amendment, which I hope will deal with the concerns that I am getting in my mailbag—I am sure that Jackie Baillie is also

receiving letters from her constituents, voicing similar concerns about how local social housing is allocated. I intend to press amendments 1 and 2.

The Conservative group will not be supporting amendment 40, in the name of Jackie Baillie, as we would prefer the matter to be left to the discretion of local authorities. We will support amendment 41, in the name of Alex Johnstone, and we will also support amendment 42, in the name of Mary Fee, which we believe gives further discretion to local landlords in the allocation of social housing.

The Deputy Presiding Officer: The question is, that amendment 1 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)

Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)

Wilson, John (Central Scotland) (SNP)
Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 13, Against 103, Abstentions 0.

Amendment 1 disagreed to.

Amendment 40 not moved.

Amendment 2 moved—[John Lamont].

The Deputy Presiding Officer: The question is, that amendment 2 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Brown, Gavin (Lothian) (Con)
Buchanan, Cameron (Lothian) (Con)
Carlaw, Jackson (West Scotland) (Con)
Davidson, Ruth (Glasgow) (Con)
Fergusson, Alex (Galloway and West Dumfries) (Con)
Goldie, Annabel (West Scotland) (Con)
Johnstone, Alex (North East Scotland) (Con)
Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
McGrigor, Jamie (Highlands and Islands) (Con)
Milne, Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
Allard, Christian (North East Scotland) (SNP)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baxter, Jayne (Mid Scotland and Fife) (Lab)
Beamish, Claudia (South Scotland) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Brodie, Chic (South Scotland) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Burgess, Margaret (Cunninghame South) (SNP)
Campbell, Aileen (Clydesdale) (SNP)
Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
Dey, Graeme (Angus South) (SNP)
Don, Nigel (Angus North and Mearns) (SNP)
Doris, Bob (Glasgow) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dugdale, Kezia (Lothian) (Lab)
Eadie, Jim (Edinburgh Southern) (SNP)
Ewing, Annabelle (Mid Scotland and Fife) (SNP)
Ewing, Fergus (Inverness and Nairn) (SNP)
Fabiani, Linda (East Kilbride) (SNP)
Fee, Mary (West Scotland) (Lab)
Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
Findlay, Neil (Lothian) (Lab)
Finnie, John (Highlands and Islands) (Ind)
FitzPatrick, Joe (Dundee City West) (SNP)

Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (East Lothian) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Harvie, Patrick (Glasgow) (Green)
Henry, Hugh (Renfrewshire South) (Lab)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hilton, Cara (Dunfermline) (Lab)
Hume, Jim (South Scotland) (LD)
Hyslop, Fiona (Linlithgow) (SNP)
Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
Johnstone, Alison (Lothian) (Green)
Keir, Colin (Edinburgh Western) (SNP)
Kelly, James (Rutherglen) (Lab)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lamont, Johann (Glasgow Pollok) (Lab)
Lochhead, Richard (Moray) (SNP)
Lyle, Richard (Central Scotland) (SNP)
MacAskill, Kenny (Edinburgh Eastern) (SNP)
MacDonald, Angus (Falkirk East) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
Macdonald, Lewis (North East Scotland) (Lab)
Macintosh, Ken (Eastwood) (Lab)
Mackay, Derek (Renfrewshire North and West) (SNP)
MacKenzie, Mike (Highlands and Islands) (SNP)
Marra, Jenny (North East Scotland) (Lab)
Martin, Paul (Glasgow Provan) (Lab)
Mason, John (Glasgow Shettleston) (SNP)
Matheson, Michael (Falkirk West) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McArthur, Liam (Orkney Islands) (LD)
McCulloch, Margaret (Central Scotland) (Lab)
McDougall, Margaret (West Scotland) (Lab)
McInnes, Alison (North East Scotland) (LD)
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
McLeod, Aileen (South Scotland) (SNP)
McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
McMahon, Michael (Uddingston and Bellshill) (Lab)
McMahon, Siobhan (Central Scotland) (Lab)
McMillan, Stuart (West Scotland) (SNP)
McNeil, Duncan (Greenock and Inverclyde) (Lab)
McTaggart, Anne (Glasgow) (Lab)
Murray, Elaine (Dumfriesshire) (Lab)
Neil, Alex (Airdrie and Shotts) (SNP)
Paterson, Gil (Clydebank and Milngavie) (SNP)
Pentland, John (Motherwell and Wishaw) (Lab)
Rennie, Willie (Mid Scotland and Fife) (LD)
Robertson, Dennis (Aberdeenshire West) (SNP)
Robison, Shona (Dundee City East) (SNP)
Rowley, Alex (Cowdenbeath) (Lab)
Russell, Michael (Argyll and Bute) (SNP)
Smith, Drew (Glasgow) (Lab)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Stewart, David (Highlands and Islands) (Lab)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swinney, John (Perthshire North) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Urquhart, Jean (Highlands and Islands) (Ind)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
Wheelhouse, Paul (South Scotland) (SNP)
White, Sandra (Glasgow Kelvin) (SNP)
Wilson, John (Central Scotland) (SNP)
Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 14, Against 103, Abstentions 0.

Amendment 2 disagreed to.

After section 4

Amendment 41 moved—[Alex Johnstone].

The Deputy Presiding Officer: The question is, that amendment 41 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)

Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rowley, Alex (Cowdenbeath) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

The Deputy Presiding Officer: The result of the division is: For 14, Against 70, Abstentions 33.

Amendment 41 disagreed to.

Amendment 42 moved—[Mary Fee].

The Deputy Presiding Officer: The question is, that amendment 42 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)

Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 47, Against 70, Abstentions 0.

Amendment 42 disagreed to.

Section 8—Creation of short Scottish secure tenancy: antisocial behaviour

Amendment 4 moved—[Margaret Burgess]—and agreed to.

Section 17—Regulated and assured tenancies etc

The Deputy Presiding Officer: Before we turn to the next group, I should say that we have passed the agreed time limit under rule 9.8.4A but that I consider it necessary to allow the debate on group 3 to continue beyond the limit in order to allow those with the right to speak on the amendment in the group—Jim Hume and the minister—to do so. I am afraid that time is very tight this afternoon and, as members will appreciate, we are now over our time limit.

Group 3 is on the right to representation at the first-tier tribunal. Amendment 3, in the name of Jim Hume, is the only amendment in the group.

Jim Hume (South Scotland) (LD): I am pleased to be able to speak to my amendment 3. I was disappointed that a similar amendment did not receive the necessary support at stage 2. However, I stated then that I was minded to lodge another amendment on the same issue at stage 3 because I believe that the issue is important.

The first-tier tribunals are a welcome addition to the bill. They will deal with some sensitive and important cases, none more so than the eviction of a tenant. Given the seriousness of that matter, I believe that it is important that we ensure that a tenant can obtain legal representation to make the best possible case at a tribunal.

I accept the rationale that the tribunal will provide a more relaxed setting in which to resolve disputes, but evictions are serious and require serious representation. I am keen to ensure that the new tribunal system is not introduced without a clear understanding of how tenants can access justice. That is why I propose that those affected be afforded legal representation through legal aid or an equivalent, assuming that the necessary eligibility criteria are met.

The minister asked me to withdraw a similar amendment at stage 2. She accepted that some people might require legal representation, but the absence of a guarantee from her ensured that I was forced to lodge another amendment on the issue at stage 3.

I thank the minister for meeting me and Homeless Action Scotland earlier this month—after stage 2—to discuss the issue further. I hope that she has taken time to reflect on it and considered how best the Scottish Government can ensure that tenants before a tribunal who face the distressing prospect of losing their home have the

ability to present the best possible case. I believe that my amendment 3 can help to achieve that, and I hope that colleagues will support it.

I move amendment 3.

15:30

Margaret Burgess: I agree with Jim Hume that the issue is important, and I will further clarify my position on it.

I still believe that the amendment is not required for the tribunal to balance the interests of landlords and tenants. People who take cases to the tribunal will be able to be represented if they wish. That could be by a friend, family member, lay representative or someone who is legally qualified. Nothing in the bill or in the operational detail of the tribunal will affect that.

Tribunal committees will have a legally qualified chairperson, who will have the expertise to ask questions and seek further information to help parties to make the best of their case. The intention is to set up a system in which most people do not need legal representation, although I am absolutely conscious that some people might need assistance to present their case effectively. I am aware that some cases could raise complex issues and that the subject matter is of a serious nature, particularly when the result could be someone losing their home.

We will consider the most appropriate form of support for parties as part of considering the operational detail of the tribunal. Those issues will be taken into account. Access to justice is at the heart of the process, and we want to allow people to access the tribunal system. We expect that support could be delivered through the provision of funding for legally qualified representation or through the provision of some form of lay representation. When we are setting up the way in which the tribunal operates, we will certainly consider that.

There is nothing in the bill that prevents legal representation for people. My clear intention is that, where it is required, it will be available.

Jim Hume: There can be nothing more galling than facing eviction. It is difficult to believe that a tenant facing eviction will always be the best-placed person to put forward their case. That is why I believed that it was necessary to get a clearer understanding of how tenants can access justice, and why I lodged amendment 3, with the help of Homeless Action Scotland. We have heard words that lead me to believe that tenants will be able to get such help. I shall therefore seek to withdraw the amendment.

Amendment 3, by agreement, withdrawn.

After section 21

The Deputy Presiding Officer: Group 4 is on landlord registration: letting code. Amendment 5, in the name of Patrick Harvie, is the only amendment in the group.

Patrick Harvie: During the discussion on the bill, I have consistently welcomed the Government's intention to produce a code of practice for letting agents. At stage 2, I lodged amendments that explored further details that might be included in the code of practice, and we will have the chance to debate those suggestions again this afternoon.

Although the Government was not persuaded on the inclusion of those specific issues in the code of practice for letting agents, the minister said that the issues would be addressed in the code. If that happens, we will end up with a welcome situation in which letting agents have a code of practice. However, individual landlords will not have a code of practice that sets out the management standards that they need to meet.

If we are to take the whole private sector seriously and improve standards across the board—I am sure that all of us, including the Government, want to do that—we should not have a situation in which those who pay their rent to a letting agent can expect a higher standard than those who pay their rent to a landlord.

Since the Housing (Scotland) Act 2006 inserted a change into the Antisocial Behaviour etc (Scotland) Act 2004, the Government has had the power to produce

“a code of practice, to be known as the Letting Code, making provision about the standards of management of ... any relevant person who enters into, or who seeks to enter into, a lease or occupancy arrangement by virtue of which an unconnected person may use a house as a dwelling and ... any other person who acts for such a relevant person in relation to such a lease or occupancy arrangement.”

Through that pre-existing power to issue a letting code, the Government could have addressed landlords and letting agents in the same way, although perhaps with different approaches that are relevant to those different parts of the industry. That would have addressed the needs of the tenants of landlords as well as the tenants of letting agents. I hope that the minister will say why that route has not been taken and how the Government intends to offer the same protection to the tenants of landlords as the tenants of letting agents are to receive.

I move amendment 5.

The Deputy Presiding Officer: Two members wish to contribute. I am afraid that contributions must be brief.

Mary Fee: I will be very brief, Presiding Officer.

I support amendment 5, in the name of Patrick Harvie, on the letting code. A letting code is an important part of the legislation. Letting agents and landlords need a clear and unambiguous code. The amendment would make a sensible addition to the bill and would strengthen the private rented sector. I therefore support amendment 5.

Alex Johnstone: I will also be brief.

The success of the system that we are putting in place today will rely on the understanding that exists between landlords and tenants. We are trying to make all the landlords—and letting agents, for that matter—do what the good ones have been doing for years. When we do that, we sometimes have to think in terms of carrot and stick. I believe that the amendment is too much stick and not enough carrot.

Margaret Burgess: As Patrick Harvie said, at present the issuing of letting codes is a discretionary power. The power to issue a code was created in 2006. No code has been issued and there are currently no plans to do so.

The relevant legislation would require ministers, before issuing a code, to assess the effectiveness of existing obligations and voluntary arrangements relating to standards of management and, in particular, the effectiveness of landlord registration in dealing with harassment, unlawful evictions and unlawful management practices.

Those important issues will be considered as part of our on-going commitment to consider the effectiveness of the enforcement of landlord registration, but at present we do not consider that a code is needed to address such issues. Significant changes have been made to the regulation of the private rented sector since 2006, including those proposed in the bill. The regulation of letting agents will have a positive impact on letting and property management across the sector.

I reassure Mr Harvie that I remain open to issuing a letting agents code at some point in the future if it would genuinely enhance the existing controls that are in place. I invite him to withdraw amendment 5.

Patrick Harvie: I am sorry that the minister does not see the opportunity to commit now to producing a letting code. She talked about the need to review the effectiveness of landlord registration. However, by the time that the amendment—if it were passed—kicked in and required action from Government, the landlord registration scheme would have been in operation for well over a decade. That would be more than ample time to review its operation.

I think that most members, including those like myself who supported the creation of the landlord

registration scheme, would recognise that it has not achieved everything that was hoped for from it, not only because of the legislation but because of the resources available for it.

Finally, in response to Alex Johnstone, I point out that I spent about 10 years as a tenant in the private rented sector and I recognise the big bag of carrots that I gave to my landlords every month. Landlords get paid rent—that is their carrot. It is our responsibility to regulate to ensure that the provision of housing meets the needs of tenants. That is why I will press amendment 5.

The Deputy Presiding Officer: The question is, that amendment 5 be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)

Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
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 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
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 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine)

(SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 41, Against 77, Abstentions 0.

Amendment 5 disagreed to.

The Deputy Presiding Officer: Group 5 is on houses let for holiday purposes. Amendment 45, in the name of Drew Smith, is grouped with amendments 48 and 67.

Drew Smith (Glasgow) (Lab): The amendments in group 5 relate to housing that is let for holiday purposes and specifically to an issue that many MSPs will be aware of—very short-term letting of residential property or so-called party flats.

Amendment 45 seeks to extend the scope of landlord registration to encompass such properties in order that records can be kept of individuals who operate those businesses. That will have the effect of making it easier to trace the landlords responsible should disturbance to neighbours become an issue as a result of very short-term letting. It will also mean that landlords who seek to operate holiday businesses in what are otherwise residential buildings will be subject to a fit-and-proper-person test.

By way of very brief background, my motivation for the amendments in group 5 has been the experience of many of my constituents in Glasgow city centre who have had the enjoyment of their homes severely limited by the letting of neighbouring flats, which has resulted in severe and sustained antisocial behaviour, noise nuisance and problems in maintaining common areas.

At a meeting with members of the Beresford residents committee on Monday, I was told of how some guests at these properties seemed to be under the impression that the residents' concierge in their building was in fact a hotel porter. In itself, that might not be a very serious issue but it illustrates the point that many of the guests who book such properties are entirely unaware that they are in fact hiring rooms in a building in which others have their homes.

None of my amendments seek to ban very short-term holiday letting; they are about a sensible level of regulation, which will ensure that the use of one person's property or number of properties does not have an impact upon others that restricts their ability to enjoy their home and which results in police being called regularly.

Amendment 48 was previously rejected by Government members at the committee stage. It

seeks to extend the power of closure of party flats to local authorities. The power to close is not a new one and clear criteria already exist as to when such a last resort action is appropriate—when there are persistent issues of antisocial behaviour relating to a particular property and when the authorities think that continued operation is likely to result in further nuisance to neighbours.

At present, that power resides only with the police. My proposal is simply to extend that power to include councils, which are likely to be better informed than the police about the issues that are occurring regularly and the extent to which landlords have been prepared to help resolve them. Crucially, I think that councils have more time than the police to take proportionate action in support of long-term solutions rather than simply address the situation as it exists when a police officer is called.

Amendment 67 is a straightforward consequential amendment so I will not take up Parliament's time on it.

I move amendment 45.

The Deputy Presiding Officer: We have little time. Alex Johnstone is next—very briefly, please.

Alex Johnstone: Very briefly indeed, I thank Drew Smith for bringing the issue of party flats to my attention and to the attention of others when it was discussed at committee stage. However, I have concerns about the amendments, given that they specifically address houses that are let for holiday purposes. I am not reassured that the amendments would not have an effect that significantly oversteps the effect that Drew Smith seeks to achieve.

Margaret Burgess: I understand the problems that can be caused by antisocial behaviour in properties that are let on a short-term basis, but I consider that it would be a disproportionate response to require every house that is used for holiday purposes to be registered, as proposed by amendment 45. To do so would mean that properties that are let even for a short period of time would have to be registered, placing a significant additional burden on property owners, local authorities and the tourism industry of Scotland more generally. Landlord registration was not introduced for that purpose.

Local authorities already have powers to tackle antisocial behaviour in properties that are let for holiday purposes. For example, under part 7 of the Antisocial Behaviour etc (Scotland) Act 2004, local authorities can serve an antisocial behaviour notice on a private landlord where an occupant or visitor engages in antisocial behaviour at, or in the locality, of the house.

In a landmark case last year, the City of Edinburgh Council successfully used existing legislation to apply for a management control order for two party flats in Grove Street. That enabled the council to assume all landlord responsibilities for a period of 12 months. I expect other local authorities to use the existing legislation to take similar action where antisocial behaviour in holiday lets is causing difficulties.

Amendment 48 is the same as an amendment that Drew Smith lodged at stage 2. I explained then that the Scottish Government introduced an order in March 2011 that gives local authorities the powers to deal specifically with the problem of antisocial behaviour in properties that are let for holiday use.

I have already highlighted City of Edinburgh Council's success in using existing legislation to tackle the issue, and I do not consider that amendment 48 is necessary. Local authorities have a range of powers that they should use to deal with antisocial behaviour in holiday lets.

I do not support Drew Smith's amendment 45, and I ask him not to move amendments 48 and 67.

Drew Smith: I understand the minister's principal objection, which is that existing law already allows most of those problems to be resolved. However, if that was the case, I would not be having meetings with members of the public such as the one that I had on Monday in which people told me that their home life is being made a living hell as a result of the inappropriate use or inconsiderate behaviour of others.

Those people were very complimentary about the action that Glasgow City Council took in their case, and they recognised that the council had been instrumental in reducing the problems that they had faced. However, they made it clear to me that issues remain where landlords are unco-operative and unwilling to engage in finding a solution.

Officials from the council are in the Parliament today; they recognise that my amendments could result in more work, but they are willing to do that work to restore the quality of life for those who are affected.

None of the amendments that I have lodged are prescriptive. Amendment 48 simply enables the Scottish Government to provide for closure regulations if it sees fit and if evidence is forthcoming from councils that that would make a difference.

On Alex Johnstone's point, amendment 45 on registration would leave it up to the Scottish ministers to define precisely who would be affected. Regulations under the Antisocial

Behaviour etc (Scotland) Act 2004 mean that the types of dwellings to be registered would remain entirely in the gift of ministers, so Alex Johnstone's concern that the provision would be too broad could be factored into the guidance that will be produced if the amendment is successful. The amendment simply removes the current blanket exemption for homes that are let for any holiday purpose.

I press amendment 45.

The Deputy Presiding Officer: The question is, that amendment 45 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
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 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
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 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

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 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)

Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)

Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 41, Against 76, Abstentions 0.

Amendment 45 disagreed to.

Section 22B—Electrical safety inspections

The Deputy Presiding Officer: Group 6 is on private rented housing: the repairing standard. Amendment 6, in the name of the minister, is grouped with amendments 7, 46 and 47.

Margaret Burgess: Amendment 6 proposes to remove the transitional provision in the electrical safety inspection regime for private rented housing, which was inserted in the bill at stage 2 by an amendment in the name of Bob Doris.

The transitional provision in section 22B would give those who are already landlords when the regime comes into force a year to undertake electrical safety inspections. However, there are two difficulties with that. First, landlords would have only a year from the commencement date to arrange inspections, and the provision would not recognise any inspections that had been carried out before it came into force. That would cause practical difficulties for landlords and electricians, and it would likely discourage landlords from carrying out any planned inspections in the period prior to commencement. That would be worse for tenants and contrary to the intention of the original amendment.

A transitional provision is still required, but I intend to use the general power in section 85(5) to make the commencement order for section 22B. That approach will allow time to work with stakeholders and develop a provision that will avoid delay, protect tenants and be fair to landlords.

I have written to Bob Doris about amendment 6, and he has indicated that he supports the approach. The Electrical Safety Council and the Scottish Association of Landlords, two of the key stakeholders whose submissions encouraged me to support Bob Doris's original amendment, have also indicated their support.

Amendment 7 seeks to introduce a provision on energy efficiency standards in private rented sector properties. Claudia Beamish lodged a similar amendment at stage 2, and I acknowledge that she has sought in this new amendment to address one of the concerns that I expressed at that time. However, several issues remain that mean that the amendment is unnecessary and inappropriate.

Under the Climate Change (Scotland) Act 2009 and the Energy Act 2011, the Scottish ministers already have powers to introduce minimum

standards for energy efficiency in private sector housing, and we have made very clear our commitment to improving energy efficiency to help address fuel poverty and reduce carbon emissions from housing. For example, central Government spend in Scotland in the past financial year is higher than that elsewhere in the UK at an average of £36.48 for each low-income household in Scotland compared with only £3.52 in England. We are working with stakeholders including environmental, fuel poverty, local authority, private rented sector and consumer interests to identify proposals for minimum energy efficiency standards for consultation in spring 2015.

Although amendment 7 extends the timescale, it would still constrain the time available to understand properly the issues identified by the working group, particularly on the level of regulation that is technically feasible and appropriate, and to conduct supporting research. Consultation on the Scottish Government's sustainable housing strategy also strongly indicated the need for a sufficient lead-in time for the sector to prepare for minimum standards.

My amendment to enable the repairing standard to be amended by regulations, which was agreed to at stage 2, provides the means to vary the repairing standard. After appropriate consideration and consultation, we think that this is the most effective way to regulate the private rented sector. For those reasons, I do not consider that amendment 7 is necessary or that it would achieve the desired purpose.

Amendment 46 seeks to make landlords in breach of the repairing standard if they fail to pay for their share of work to common parts, and makes such a failure a criminal offence. Private landlords are already required to meet the repairing standard, and that requirement can be enforced by an application to the Private Rented Housing Panel by a tenant and, under the provisions introduced by the bill, by a local authority on behalf of a tenant. In addition, an owner of a tenement property can already enforce a majority decision of owners about repairs against any other owner under the tenement management scheme.

Amendment 46 would also make repairs that are not required under the repairing standard, such as repairs to common entry systems or common public lighting that is inadequate but not in serious disrepair, matters that can be brought before the Private Rented Housing Panel. I do not think it appropriate to widen the panel's remit and require it to adjudicate in disputes between owners instead of dealing with matters that are set out in legislation on behalf of the tenants.

Amendment 47, in the name of Malcolm Chisholm, seeks to specify two additional types of

person who may apply to the Private Rented Housing Panel for a determination in respect of the repairing standard. The bill enables local authorities to make such applications, and new inspection powers that are part of the third-party reporting provisions support the strategic role that local authorities play in ensuring that properties across Scotland meet minimum standards. The bill also enables ministers to make an order extending the range of bodies that can make applications in future, if that is considered useful.

However, I believe it important first to allow local authorities the time to exercise the bill's new powers to tackle poor standards in the private rented sector. Consideration of the effective use of third-party reporting powers by local authorities once the provisions are implemented will indicate whether there is any justification for expanding the powers to additional types of person.

I believe that the bill strikes the right balance in allowing local authorities to make the applications and granting a power to ministers to broaden access to the Private Rented Housing Panel through secondary legislation, if that is considered necessary and appropriate in the future.

I move amendment 6.

Claudia Beamish (South Scotland) (Lab):

Amendment 7 seeks to allow the Scottish ministers to create regulations on energy efficiency standards, which would be included as part of the repairing standard in the private rented sector. It would also establish a system of inspection and enforcement.

As she highlighted, the minister put forward reasons for not supporting my amendment at stage 2. I intend to address the amendment, even though those remarks have already been made.

First, it was highlighted today that the minister felt that including the provision in the bill was unnecessary because the Climate Change (Scotland) Act 2009 provides powers to introduce minimum standards of energy efficiency. Although that is the case, I still argue that the phraseology of section 64 of the 2009 act is different and less focused than what I suggest. It requires ministers to set regulations to provide for the assessment of energy performance and greenhouse gas emissions and requires owners to take steps to improve the accommodation. That may or may not be realised through minimum standards, which is what I propose. In addition, it does not specifically address the standards where a house forms only part of a premises, which my amendment does.

Another argument that the minister put forward against the amendment was that a working group is already tasked with reporting back on measures to improve energy efficiency in the domestic housing sector. Again, I support the reasoning

behind the setting up of such a group and wish it well, but there are energy efficiency measures that my amendment highlights that would be best placed in the bill among the provisions that relate to the repairing standard. Organisations such as the Royal Institution of Chartered Surveyors, the City of Edinburgh Council and Friends of the Earth Scotland agree with that approach.

Others may disagree and would like to wait for some as yet not defined piece of legislation in the future. If and when that legislation comes before the chamber, there is no reason why it cannot refer to the amendment to the bill. I see no reason to wait and to actively oppose amendment 7. Tenants are suffering from fuel poverty in multi-ownership houses, and it is important that that is addressed now.

The final criticism that the minister put forward at stage 2 related to the timescale. As she has acknowledged today, I have altered the timescale. That should help the possibility of amendment 7 being accepted and the regulations being taken forward. Even at this late stage, I hope that the minister will reconsider.

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): Amendments 46 and 47 deal with massive problems in Edinburgh, which is why their substance was supported by the Labour-Scottish National Party council in Edinburgh in its submission on the bill.

Amendment 46 deals with the problem of landlords not taking part in and paying their share of common repairs. It says that it would be a breach of the repairing standard if a landlord failed

“to pay the landlord’s share of the cost of repairs”.

Under amendment 46, the landlord could be referred to the Private Rented Housing Panel and, if they did not contribute to common repairs, they could be found guilty of an offence and face removal from the register. It is time that we used the register to put pressure on landlords and not just as a bureaucratic exercise. This could be one important example of using the register.

The minister referred to the Tenements (Scotland) Act 2004, but it can be a disincentive for some people because of its complexity and the time that the process sometimes takes.

Amendment 47 would allow owners of an adjoining property and organisations that provide advice services to report breaches of the repairing standard to the Private Rented Housing Panel; in other words, it says that not just the local authority should do that. Certain people may not want to go to the local authority or, indeed, the local authority could decide not to report, I presume. Therefore, we should give that power to adjoining residents. Again, that problem is often brought to me in

surgeries, and I know that my constituents would expect me to press the amendment.

The issue of advice services is also relevant, because some residents may prefer to access support through an advice agency rather than the local authority either because it is conveniently located or because they have some special relationship with it.

I am minded, as we all are on this side of the chamber, to oppose the minister’s amendment 6 on removing the obligation for a landlord to ensure that an inspection is carried out within 12 months of the housing act coming into force. I listened carefully to her arguments, but if she identified such a problem, why did she not move an amendment saying that an inspection had to be carried out one year from the commencement date unless one had been carried out in the intervening period? That would have been the absolutely simple and obvious thing for her to do, if the reason that she gave was the real reason.

16:00

The Deputy Presiding Officer: I have two members who wish to contribute. Bob Doris will be followed by Alex Johnstone; I ask that they be as brief as possible.

Bob Doris (Glasgow) (SNP): I will try to be brief and to stick to amendment 6.

I am content that the general power under section 85(5) would be adequate in relation to the commencement order in section 22B, which was added to the bill at stage 2 by my amendment. The vast majority of section 22B remains fully intact. It will place a requirement on all private landlords to ensure that all fixtures, fittings and appliances have relevant electrical safety checks every five years. That is a new burden and responsibility on the private sector. Amendment 6 is merely an implementing and consequential amendment, to ensure that there are no unintended consequences.

I point out to Malcolm Chisholm that Electrical Safety First, the organisation that worked with me to bring my amendment to the Parliament, is content with the provisions; so, too, is the Scottish Association of Landlords, which has been critical about the issue.

It is not very often that a member comes to the chamber and places an additional burden and responsibility on landlords and they step forward and say, “Yes, we’re up for that. It is the right thing to do.” That is what has happened and we should welcome that. We should support amendment 6.

I thank Electrical Safety First and the Scottish Association of Landlords. I ask that Parliament support amendment 6.

Alex Johnstone: I support amendment 6, in the name of the minister, and I accept her position on amendments 7 and 47. However, I confess that I have some attraction to amendment 46, in the name of Malcolm Chisholm.

I heard what the minister said about the repairing standard and how that process is available by other means. I seek further assurances from her that the means that she described to deal with the circumstances are not of the type that would, in effect, exclude people as a result of onerous processes.

The Deputy Presiding Officer: Members will note that we have passed the agreed time limit for the debate on group 6. Therefore, I exercise my power under rule 9.8.4A to allow the debate on the group to continue beyond the limit in order to avoid the debate being unreasonably curtailed.

I ask the minister to wind up.

Margaret Burgess: In response to Malcolm Chisholm, I accept that it would have been preferable to set out the transitional rules in the bill. However, as Bob Doris said, we want to ensure that there are no unintended consequences. I have considered the views of stakeholders. Consequently, we need further engagement to develop a solution that will protect tenants, be fair to landlords and avoid unnecessary delay in bringing the measure into force.

On energy efficiency standards, we are taking a proportionate approach. We are examining how to progress the issue with the active participation of stakeholders. It is only sensible to continue that process by looking at all private housing and not just the rented sector.

The Deputy Presiding Officer: Excuse me, minister. I am afraid that the noise in the chamber is becoming rather loud. Can we hear the minister, please?

Margaret Burgess: If, after the Scottish Government's planned consultation on energy efficiency, it is considered appropriate to vary the repairing standard in relation to energy efficiency, that can be done through regulation-making powers.

The Deputy Presiding Officer: The question is, that amendment 6 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
Allard, Christian (North East Scotland) (SNP)

Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Brodie, Chic (South Scotland) (SNP)
Brown, Gavin (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Burgess, Margaret (Cunninghame South) (SNP)
Campbell, Aileen (Clydesdale) (SNP)
Carlaw, Jackson (West Scotland) (Con)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
Dey, Graeme (Angus South) (SNP)
Don, Nigel (Angus North and Mearns) (SNP)
Doris, Bob (Glasgow) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Mid Scotland and Fife) (SNP)
Ewing, Fergus (Inverness and Nairn) (SNP)
Fabiani, Linda (East Kilbride) (SNP)
Fergusson, Alex (Galloway and West Dumfries) (Con)
Finnie, John (Highlands and Islands) (Ind)
FitzPatrick, Joe (Dundee City West) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
Goldie, Annabel (West Scotland) (Con)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Harvie, Patrick (Glasgow) (Green)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hume, Jim (South Scotland) (LD)
Hyslop, Fiona (Linlithgow) (SNP)
Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
Johnstone, Alex (North East Scotland) (Con)
Johnstone, Alison (Lothian) (Green)
Keir, Colin (Edinburgh Western) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
Lochhead, Richard (Moray) (SNP)
Lyle, Richard (Central Scotland) (SNP)
MacAskill, Kenny (Edinburgh Eastern) (SNP)
MacDonald, Angus (Falkirk East) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
Mackay, Derek (Renfrewshire North and West) (SNP)
MacKenzie, Mike (Highlands and Islands) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Matheson, Michael (Falkirk West) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McArthur, Liam (Orkney Islands) (LD)
McGrigor, Jamie (Highlands and Islands) (Con)
McInnes, Alison (North East Scotland) (LD)
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
McLeod, Aileen (South Scotland) (SNP)
McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
McMillan, Stuart (West Scotland) (SNP)
Milne, Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Neil, Alex (Airdrie and Shotts) (SNP)
Paterson, Gil (Clydebank and Milngavie) (SNP)
Rennie, Willie (Mid Scotland and Fife) (LD)
Robertson, Dennis (Aberdeenshire West) (SNP)
Robison, Shona (Dundee City East) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Scott, Tavish (Shetland Islands) (LD)
Smith, Liz (Mid Scotland and Fife) (Con)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)

Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rowley, Alex (Cowdenbeath) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

The Deputy Presiding Officer: The result of the division is: For 82, Against 33, Abstentions 0.

Amendment 6 agreed to.

After section 22B

Amendment 7 moved—[Claudia Beamish].

The Deputy Presiding Officer: The question is, that amendment 7 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)

Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 41, Against 74, Abstentions 0.

Amendment 7 disagreed to.

Before section 23

Amendment 46 moved—[Malcolm Chisholm].

The Deputy Presiding Officer: The question is, that amendment 46 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)

Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)

MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 41, Against 75, Abstentions 0.

Amendment 46 disagreed to.

Section 23—Third party application in respect of the repairing standard

Amendment 47 moved—[Malcolm Chisholm].

The Deputy Presiding Officer: The question is, that amendment 47 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)

Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)

Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 41, Against 75, Abstentions 0.

Amendment 47 disagreed to.

After section 25

Amendment 48 moved—[Drew Smith].

The Deputy Presiding Officer: The question is, that amendment 48 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)

Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)

McAlpine, Joan (South Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 39, Against 75, Abstentions 0.

Amendment 48 disagreed to.

The Deputy Presiding Officer: The next group of amendments is on private rented housing, rent reviews, rent increases and security of tenure. Amendment 49, in the name of James Kelly, is grouped with amendments 50, 68 and 69.

James Kelly (Rutherglen) (Lab): There is no doubt that the biggest problem that we face in Scotland in relation to housing is the lack of supply. That is partly because we have the lowest number of completions since 1947. That is witnessed in the social housing waiting list of 155,000 people.

One of the consequences of that has been the massive growth in the private rented sector, which has doubled in size to 300,000 households and contains people who have not been able to get houses either in the social sector or in the private purchasing sector. There is no doubt that the resultant rise in the private rented sector has placed too much power in the hands of landlords and letting agents and that, as a consequence, there have been unacceptable rent rises in some parts of the country.

That can be witnessed by the recent Citylets quarterly report, in relation to which Thomas Ashdown of Citylets said that urban hotspots are providing great returns for landlords. There is no doubt that that is true, and the report gives some examples. Average rents in the EH8 postcode in Edinburgh have experienced a year-on-year rise

of 8.9 per cent. The figure for DD1, in Dundee, is 17.5 per cent, and the figure for G2, in Glasgow, is 21.5 per cent. Those inflation-busting rises heap misery on many of the families who are struggling in the private rented sector. The Joseph Rowntree Foundation reckons that, of the 120,000 households that are in poverty, 40 per cent are having to cut back on heating and a third are cutting back on food.

Through this bill, Parliament has the opportunity to do something about that by supporting Labour's proposals to cap rent rises and to ensure that rent reviews take place no more than once a year. We are not proposing a specific scheme; we are asking for Parliament to agree to the principle and for the Scottish Government to lay regulations before Parliament by 1 April 2015. That would allow the Government, in proper consultation, to work up a proper scheme and to cap rises at an acceptable level.

The issue is also linked to tenancies. As the size of the market has grown, there has been a growing number of short tenancies. It is reckoned that 74 per cent of the tenancies in the market are short tenancies, which drive up rent. They also result in pressure being put on vulnerable tenants, who sometimes have to deal with housing problems not being addressed, repairs not being done and a lack of quality housing. Therefore, we propose a three-year tenancy, giving tenants the ability to terminate a tenancy with one month's notice and landlords the ability to terminate contracts with two months' notice. Again, we want regulations on that matter to be laid before Parliament by 1 April 2015.

The recent welfare expert group recognised that issue and supported longer tenancies. It also supported capping rent increases. Surely, on this issue, if it is good enough for the Government's expert group, it should be good enough to be included in the bill.

I urge Parliament to support the amendments.

I move amendment 49.

The Deputy Presiding Officer: We are tight for time, so I ask Mr Johnstone to be brief.

16:15

Alex Johnstone: I do not disagree with James Kelly's analysis of the cause of the growth in the private rented sector. It is only fair to say that the demand that other pressures in the system have created is demonstrating how supply and demand work in a marketplace, although the way in which the rental market in some areas of Edinburgh and Aberdeen operates is divorced from the system that we have been describing.

However, I disagree with James Kelly on the solutions. The private rented sector has grown so much because of demand, and it has satisfied that demand because the market has supported it. If we intervene in the market by capping rents or doing other things, the private rented sector will simply begin to melt away. If a private landlord sees a lack of return from his property, he has the option to place it on the market, which shrinks the private rented sector.

There are definitely problems. James Kelly has identified them, but he has not identified the appropriate solution.

Patrick Harvie: Alex Johnstone attempts to portray a picture of a well-functioning market. We can no longer afford to regard the private rented sector as involving just a free market exchange between equals. As James Kelly said, the sector has doubled in size in 10 years. Some in the sector want it to double again in coming years.

For a growing proportion of our population, no other housing is available. Our society is not making social housing available and the economy is not making owner occupation affordable, so those people are stuck between a rock and a hard place. They are left to depend only on the private rented sector and they are far too open to exploitation.

I will support amendments 49 and 50, but I particularly support the security of tenure proposals. Security of tenure underpins pretty much everything else that the Government is trying to achieve under the bill. It underpins every area in which tenants are vulnerable to exploitation by landlords who are willing to exploit their current position of power.

The Government has previously indicated that it will not accept amendments to the bill on such subjects but that it is open to the longer-term argument. I hope that the minister will say something about the timescale on which the Government intends to take action, even if it does not support amendments 49 and 50.

On security of tenure and rent reviews, we are not looking for anything dramatically radical; we are looking only to join the European main stream, where some rent control and a more secure model of tenure are the norm. That enables tenants to live with a bit of dignity in the private rented sector.

Margaret Burgess: When we debated similar amendments from James Kelly at stage 2, I said that they would impose potentially onerous regulations without any consultation and without a clear understanding of their impact on tenants and landlords.

Rent levels were not raised by anyone in the ICI committee's evidence sessions or at stakeholder

events, other than by Patrick Harvie. Many stakeholders have expressed their surprise at the proposed late addition to the bill and have noted their concerns about the lack of proper consultation.

In contrast to Mr Kelly's last-minute intervention, the Scottish Government has been looking at reform of the private rented sector tenancy regime as part of its wider strategy for the sector. We commissioned an independent review of the tenancy regime last year and received the report of that review a few weeks ago.

The review recommended that we introduce a new tenancy regime. We will consult on that in the autumn and, at the same time, we will explore issues that relate to rent levels. That will allow us to understand the problem across Scotland—including in hotspots such as Aberdeen—and to identify in consultation with tenants and landlords what might need to be done to ensure that tenants in the private rented sector get a fair deal.

That is the right way to develop legislation on complex matters, so that we minimise the risk of it backfiring on tenants and landlords, as I fear that the approach in Mr Kelly's amendments would do.

Amendment 50 would place a duty on the Scottish ministers to introduce regulations to establish the new type of tenancy that I mentioned. Like amendment 49, it would introduce a significant new duty on ministers in respect of matters that formed no part of the bill as introduced. Consequently, I have the same objection in principle to amendment 50 as I had to amendment 49. I have talked about what we are doing in relation to a new tenancy in the private rented sector.

James Kelly: The minister suggested that the amendments that I have lodged are somehow last-minute amendments. When we debated housing in December, I made absolutely clear, in response to a speech from Patrick Harvie, that we would consider rent controls and tenancies. I made that clear at stage 1, too. These are not last-minute amendments; they are amendments that address issues that are happening on the ground just now, which it is incumbent on the Government to address.

Alex Johnstone said that the market merely responds to demand and that landlords are entitled to a fair return. However, the Citylets report talks about rent rises of 16 per cent in Dundee and Aberdeen. Landlords are getting massive returns.

The minister complained that my proposed approach would be too onerous for landlords and letting agents. What about the onerous burdens that are being borne by people in poverty, who must decide whether to cut back on their fuel bills

so that they can pay their rent? Those are the onerous burdens that we should be addressing.

Why is the Government launching another consultation? All afternoon, in response to amendments from other parties, the Government has said that it will launch a consultation. This Government had three years to consult on the bill; it should be getting it right now—[*Interruption.*]

The Deputy Presiding Officer (John Scott): Order.

James Kelly: We lodged amendments that would make a difference on the ground and help tenants in the private rented sector. It is time to consider what would make a difference. I urge members to support the amendments in this group and help tenants in the private rented sector.

The Deputy Presiding Officer: The question is, that amendment 49 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For:

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rowley, Alex (Cowdenbeath) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against:

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)

Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)

Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 37, Against 80, Abstentions 0.

Amendment 49 disagreed to.

Amendment 50 moved—[James Kelly].

The Deputy Presiding Officer: The question is, that amendment 50 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For:

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against:

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)

Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McGregor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 42, Against 75, Abstentions 0.

Amendment 50 disagreed to.

The Deputy Presiding Officer: Amendment 51, in the name of Drew Smith, is grouped with amendment 70.

Drew Smith: The amendments in group 8 provide for the creation of enhanced enforcement areas. The principal amendment in the group is amendment 51. Amendment 70 would ensure that the detail of regulation provided under amendment 51 would be subject to further parliamentary scrutiny under the affirmative procedure.

The argument for enhanced enforcement areas has been made in the briefing that has been provided to all members by the Convention of Scottish Local Authorities. In a nutshell, areas where enhanced enforcement powers should be available are those where local authorities and, indeed, local communities have identified persistent problems in the rental sector that are difficult to resolve and require a range of measures rather than one-off or discrete policy solutions. There are areas where a number of rogue private sector landlords are contributors to wider problems such as multiple repair and management failures that affect not just their tenants but the wider community in which their businesses operate.

The power that is proposed is discretionary, time limited and targeted. Enhanced enforcement is not about a broader increase in regulatory power but about a recognition that in some places there are exceptional circumstances that justify a response that would not be considered proportionate if it was applied everywhere. I have no expectation that anything other than a small number of applications for enhanced enforcement area status would be forthcoming, and it would be for the Scottish ministers to determine whether applications would be granted.

The kinds of enhanced provisions that I have in mind, which COSLA has discussed with the Scottish Government, include criminal record checks on individuals seeking to register as landlords, powers of entry and powers to inspect documents. In amendment 51 I have left the exact detail of what powers could be granted and in what circumstances to the Scottish ministers to determine, because the amendment is about responding to exceptional local circumstances.

Housing should provide homes for individuals and families; it should not be a source of exploitation of tenants or other criminality.

Members who represent Glasgow will be aware that Govanhill is an area where a range of problems relating to housing exist and where concerted effort is needed to make change at the community level. Glasgow members will also be aware that amendments 51 and 70 are supported by COSLA and explicitly by Glasgow City Council.

Glasgow City Council told me that the minister's decision not to include enhanced enforcement areas in the bill, as promised, restricts its ability to support the community in Govanhill to achieve a better quality of local environment and decent and safe homes for the people who live there. I ask Parliament to support amendment 51.

I move amendment 51.

The Deputy Presiding Officer: As we are falling behind, I invite Sandra White to speak briefly.

Sandra White (Glasgow Kelvin) (SNP): I rise to support amendment 51, which will tackle the very serious problems that Drew Smith mentioned. A previous group of amendments concerned party flats. I believe that people in the Beresford building and other places in Glasgow city centre in my constituency who live near antisocial tenants will benefit from the power in amendment 51. I thank the minister for meeting me and others and I look forward to supporting amendment 51.

Alex Johnstone: I understand why amendment 51 has been lodged, but surely when we pass the bill its powers should be enforced fairly and equally across the country. I believe that there should be enhanced enforcement, but I believe that people outside enhanced enforcement areas should have the same level of protection as those within them. For that reason I believe that we should not have enhanced enforcement areas.

Margaret Burgess: I appreciate the concerns from members across the chamber regarding local authorities' ability to tackle poor property management and conditions. We have included further powers in the bill for local authorities to tackle those problems, including a new power of inspection where a local authority believes that the repairing standard is not being met, and third-party reporting rights to the Private Rented Housing Panel. Those powers will apply throughout Scotland.

We recognise that, as Drew Smith said, the power to designate enhanced enforcement areas would be used in exceptional circumstances and that many local authorities might not use it. However, the power would be there for local authorities to use in circumstances in which it would help to tackle acute problems in their area. On that basis the Government is happy to support amendments 51 and 70 and invites the chamber to do the same.

Drew Smith: Alex Johnstone's argument was perhaps for an extension of enhanced enforcement areas. Perhaps he could take up the issues that he was concerned with in the areas that he represents.

I am grateful for the comments from Sandra White and the minister and for the Government's support for the amendment. I hope that it will lead to a continuation of the partnership that I believe exists between Glasgow City Council and the Scottish Government on tackling the serious issues that are faced by the constituents of a number of members in the Govanhill area. I hope that lessons learned in that area will assist communities represented by other members.

Amendment 51 agreed to.

16:30

Section 30—Fit and proper person considerations

The Deputy Presiding Officer: We move to group 9. Amendment 52, in the name of the minister, is grouped with amendments 53, 8 and 9.

Margaret Burgess: I will first speak to amendments 52 and 53. The Scottish Government is giving full and careful consideration to the recent Supreme Court ruling that mandatory disclosure of all previous convictions, including spent convictions, is contrary to article 8 of the European convention on human rights. The amendments to the fit-and-proper-person test for letting agents are in response to that ruling. They retain the policy intention to be able to check the accuracy of information that has been disclosed, but clarify that that does not include spent convictions.

Amendment 53 will change the existing level of disclosure for letting agent registration that may be required by the Scottish ministers, where they have reasonable grounds to suspect that material falling under section 30(2) of the bill is, or has become, inaccurate. That will now be at the basic disclosure level. Amendment 52 further makes it clear that spent convictions do not fall under the material that is set out at section 30(2).

Amendments 8 and 9 are also in my name. Both amendments will modify section 35, which deals with revocation of a registration. At present, section 35 will allow the Scottish ministers to deregister a letting agent if the agent or key personnel are no longer fit and proper. Amendments 8 and 9 will also allow that where the letting agent or key person is not fit and proper. For example, if a mistake had been made, or information had been withheld at the time of the application, the Scottish ministers may find that the applicant or key person had never been fit and

proper, and would subsequently seek to remove them from the register.

Amendment 9 also provides the power to revoke a registration where a change of circumstances under section 33 triggers a failure of the fit-and-proper-person test, where a key person transpires not to be, or is deemed no longer to be, fit and proper.

I move amendment 52.

James Kelly: I wish to support amendments 52 and 53. They make good sense in that they are consistent with current employment practice and ECHR, as they will ensure that spent convictions are not taken into account in the fit-and-proper-person test.

In relation to amendment 53, which deals with the inclusion of the criminal conviction certificate, what checks can be introduced to ensure that the information that will be collected as a result of section 30 is accurate, and to flag up inaccuracies? What monitoring will be in place as a result of section 30?

Margaret Burgess: Amendments 52 and 53 will ensure accuracy. I am not sure what Mr Kelly is looking for, further to that. We are retaining the policy intention to be able to check the accuracy of information that has been disclosed, but as I previously said, we are clarifying that it will be a basic disclosure and not enhanced disclosure.

Amendment 52 agreed to.

Section 31A—Fit and proper person: criminal record information

Amendment 53 moved—[Margaret Burgess]—and agreed to.

Section 34—Duration of registration

The Deputy Presiding Officer: We move to group 10. Amendment 54, in the name of Mary Fee, is grouped with amendment 55.

Mary Fee: As amendments 54 and 55 are fairly simplistic, Presiding Officer, you will be pleased to know that I will be fairly brief. Both of them would require landlords to register on an annual basis—*[Interruption.]*

The Deputy Presiding Officer: Could members who are leaving the chamber do so quickly and quietly, please?

Mary Fee: Amendments 54 and 55 would require landlords to register annually instead of every three years, as is proposed in the bill. My amendments would tighten up the process and would lead to greater confidence and security for tenants, because they would allow problems to be caught and dealt with more quickly.

There is nothing to suggest that the registration process would be onerous once the initial registration had been done, so it makes sense to require landlords to reregister annually.

I move amendment 54.

Margaret Burgess: As things stand, the Scottish ministers can consider a breach of the fit-and-proper-person test or of the code of practice at any time during the three-year registration period. Section 35 provides the Scottish ministers with the power to revoke a registration if the agent is no longer a fit and proper person. I consider the use of a three-year registration cycle to be a proportionate approach that will safeguard clients without placing an onerous burden on the industry. It would be disproportionate to have a period of anything less than three years, so I do not support amendments 54 and 55.

Mary Fee: I welcome the minister's comments, but she makes the presumption that registration is a lengthy and onerous process and that we would be placing a burden on the Government and letting agents. There is no evidence to support that so, on that ground, I press amendment 54.

The Deputy Presiding Officer: The question is, that amendment 54 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)

Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)

Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 39, Against 73, Abstentions 0.

Amendment 54 disagreed to.

Amendment 55 moved—[Mary Fee].

The Deputy Presiding Officer: The question is, that amendment 55 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)

Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)

White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 37, Against 74, Abstentions 0.

Amendment 55 disagreed to.

Section 35—Revocation of registration

Amendments 8 and 9 moved—[Margaret Burgess]—and agreed to.

After section 35

The Deputy Presiding Officer: We come to group 11. Amendment 10, in the name of the minister, is grouped with amendments 11, 12 and 14 to 16.

Margaret Burgess: Currently, the bill makes no specific provision to allow a letting agent to terminate their registration voluntarily—for example, if the agent retires. Amendment 10 provides a mechanism for a letting agent to apply to the Scottish ministers to terminate their registration. The mechanism requires the Scottish ministers to comply if they are satisfied that the agent has ceased to operate or that it is otherwise appropriate to do so. Should the Scottish ministers decide to refuse an application, they must provide their reasons for doing so.

Alex Johnstone's amendment 11 also seeks to establish a mechanism for removal of a registration, on application. However, amendment 11 would require the Scottish ministers to be satisfied that

"the letting agent has made adequate arrangements with respect to"

the business. It is unclear, however, what those arrangements would be. Given that the Scottish ministers would be required to assess the arrangements' adequacy, I cannot support the amendment. I therefore ask Alex Johnstone not to move amendment 11.

Amendment 12, in my name, will prevent a letting agent who has been deregistered at their own request from seeking to recover costs and charges that are incurred for work done after the date of deregistration. In other words, it will discourage that letting agent from continuing to operate.

Amendments 14 to 16 are linked to amendment 12. They clarify what is meant by the relevant date for deregistration, and confirm that costs that are incurred by a letting agent before the date of their deregistration are recoverable.

I move amendment 10.

Alex Johnstone: Amendment 11 is a resubmission of an amendment that was lodged

and debated at stage 2. As members can see by the consecutive numbering on the marshalled list, it may have crossed in the post, so to speak, with the minister's amendment 10. Having read through amendment 10, I believe that it will achieve the objective that was set out in my amendment at stage 2, and in amendment 11 today at stage 3. Consequently, I am inclined to support amendment 10.

The only area that I am somewhat concerned about is subsection (2) of the proposed new section that will be introduced by amendment 10, which says that

"The application must be accompanied by a fee of such amount (if any) as the Scottish Ministers may determine."

I seek reassurance from the minister at this stage that the fee will be reasonable and will be designed only to cover the costs of such a process. If that reassurance is given, I will support the minister's amendment 10 and the other Government amendments in the group, and I will not move my amendment 11.

Mary Fee: I support all the amendments—10 to 12 and 14 to 16—in the group. I support the amendments in the names of both Margaret Burgess and Alex Johnstone because they are all sensible and practical additions to the bill. They offer a straightforward solution to agents who wish to be removed from the register, and they will allow the register to be kept up to date. The consequence of all the amendments will be to tighten up the sector, so they must be welcomed.

Margaret Burgess: I have no comments other than to give Alex Johnstone the assurance that he seeks—that the fee will be appropriate.

The Deputy Presiding Officer: The question is that amendment 10 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Paterson, Gil (Clydebank and Milngavie) (SNP)

Pentland, John (Motherwell and Wishaw) (Lab)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Against

Burgess, Margaret (Cunninghame South) (SNP)
 Hume, Jim (South Scotland) (LD)
 McArthur, Liam (Orkney Islands) (LD)
 McInnes, Alison (North East Scotland) (LD)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)

The Deputy Presiding Officer: The result of the division is: For 110, Against 6, Abstentions 0.

Amendment 10 agreed to.

Amendment 11 not moved.

Section 38—No payment for letting agency work where refusal or removal

Amendments 12, 14, 15 and 16 moved—[Margaret Burgess]—and agreed to.

16:45

Section 41—Letting Agent Code of Practice

The Deputy Presiding Officer: Amendment 17, in the name of Patrick Harvie, is grouped with amendments 18 to 22, 56 and 37.

Patrick Harvie: At stage 2, I lodged a number of amendments seeking to explore the detail of what would be included in the code of practice that the Government intends to produce for letting agents, and I am again seeking to explore specific issues that the code of practice could—and, I believe, should—address.

The minister did not agree with my amendments at stage 2, but did give a commitment that the issues that I raised would be addressed in the code. I hope that, even if she is not persuaded that my amendments would help to set that out in the bill, she will give some further indication of the means by which the issues will be addressed.

Specifically, I am asking that issues around the level of advance rent and level of deposit are addressed. Members will be aware that there are letting agents who are seeking workarounds to the provisions that we have put in place in the past, by finding other ways of describing the payments or pretending that they are not really advance rents or deposits. Even when advance rent is called advance rent, there are situations, as we can see from the Citizens Advice Scotland report that has been circulated to all members, in which people are being asked not just for one or two months' rent but for three months' rent and, in some cases, even six months' advance rent.

Another issue that I would like the code of practice to address is socioeconomic discrimination and discrimination against benefit recipients. The term "no DSS" will be very familiar to anyone who has looked at the private rented sector. The minister has said that she wants to see an end to the use of that term, but I am seeking an end to the practice itself, regardless of the use of the term. Discrimination against people because they are in receipt of benefits basically undermines the provision of housing, which the private rented sector is seeking the right to manage on behalf of our society. Housing has to be available not just to those whom individual landlords or letting agents consider to be good, reliable, dependable tenants. That housing must be available to those who need it, and that means ending discrimination.

If we consider the two issues in concert—discrimination on the ground that people are benefit recipients and the requirement for three or six months' advance rent—it will be pretty clear to anybody that someone who is given notice to quit one property and is seeking to find another while they are on benefits, and who is asked to come up with three months' or six months' advance rent, will find that it is simply not feasible.

My amendments in this group also seek to end discrimination on the grounds of immigration status. That is connected with the wrong-headed provisions that have been put through the Westminster Parliament in the Immigration Act 2014. I ask the minister to take this opportunity to address the interaction between the reserved function of immigration and the devolved function of housing. How can we ensure that we use housing law to prevent any undue discrimination against migrants and immigrants who are in need of housing in Scotland from the private rented sector?

I acknowledge that amendment 56 proposes an alternative means of addressing some of the issues that I have outlined, and I look forward to hearing the argument for that amendment. However, I hope that with amendment 37 I am on

ground that the Government will be more comfortable with. I moved an amendment at stage 2 to require the code of practice for letting agents to be laid before the Parliament within a year. The minister explained that that was a wee bit too much but said that she shared my

"wish to see progress being made to develop the code ... but I want to ensure that the code is drafted with proper consideration".

She went on to say:

"I wish to reassure Mr Harvie about my commitment to progressing the development of the code, which I expect to be laid before Parliament within 18 months of the bill's enactment."—[*Official Report, Infrastructure and Capital Investment Committee*, 21 May 2014; c 3104.]

Amendment 37 is my new version of my stage 2 amendment and it suggests that 18-month timescale. On that basis, I am sure that the minister can find no reason at all to object to amendment 37.

I move amendment 17.

The Deputy Presiding Officer: I call Mary Fee to speak to amendment 56 and other amendments in the group.

Mary Fee: Amendment 56 seeks to strengthen the code of practice as it would require deposits to be paid into a tenant deposit scheme, prohibit letting agents from charging fees to tenants or prospective tenants before or after a tenancy and prohibit letting agents from discriminating against those in receipt of benefits. Amendment 56 aims to strengthen the private rented sector; it is a sensible amendment that would give more safety and security to tenants.

I support Patrick Harvie's amendments 17 to 22 and 37. Amendments 17 to 22 would strengthen and enhance the code of practice because they seek to protect tenants from overcharging and discrimination by letting agents. Amendment 37 makes sense, as it sets out a timetable for the code of practice to be published.

Alex Johnstone: There is an old story that the traditional definition of a croft is a small piece of land surrounded by legislation. The amendments in this group would take us to a point at which we might be in some danger of a private let being defined as a property surrounded by regulation. There is a significant danger that if we regulate over-onerously in this area we will create regulations that are unenforceable and a situation that would be worse than the one that we would have, described by Patrick Harvie, under the bill as it stands. It is important that regulation should be capable of implementation and of policing, but I am not convinced that if we pass all the amendments in this group we will get to a stage at which that is possible.

Margaret Burgess: I will begin by speaking to Patrick Harvie's amendments 17 to 22. The equivalents of all those amendments were debated at stage 2 and were rejected by the Infrastructure and Capital Investment Committee. I understand Patrick Harvie's intention, which is to prohibit letting agents from discriminating against a prospective tenant on various grounds, including socioeconomic, being in receipt of state benefits and immigration status. I sympathise with people who are struggling to find affordable rented property while in receipt of state benefits and with those whose immigration status is uncertain, but we will take up the whole issue of discrimination and barriers to accessing housing with the letting agent industry through the process of developing the code of practice.

I welcome Patrick Harvie's amendment 37. I had intended, as I indicated at stage 2, to lodge a similar amendment, but Patrick Harvie beat me to it. I welcome amendment 37 and I am happy to support it.

What Mary Fee's amendment 56 seeks was debated and rejected by the Infrastructure and Capital Investment Committee at stage 2. I said then that the Scottish ministers have already clarified the law to make crystal clear what is allowed. It is unacceptable for a letting agent to flout the law on the charging of premiums. On discrimination, I have said in my responses to Patrick Harvie on numerous occasions, including my response to his amendments 17 to 22, that the Scottish Government will discuss equality issues with the letting agents industry in the context of developing the code of practice. The issues in all Patrick Harvie's amendments are appropriate issues to discuss when developing the code of practice, which we will consult on, as that is the right and proper thing to do. On that basis, I invite Mary Fee not to move amendment 56.

Patrick Harvie: My excitement knows no bounds at hearing that an Opposition member will have an amendment agreed to for the second time today—although perhaps I have slightly undercounted. I thank the minister for the commitment to amendment 37, which will set a clear timescale for the development of a code of practice, as it will have to be laid before the Parliament within 18 months. I am grateful for that.

I understand the minister's position on amendments 17 to 22, although it disappoints me. I am sure that she intended to say that she will consult not only with letting agencies and industry bodies but with a wide range of other organisations, including those that represent tenants as well as equality and anti-poverty organisations. I am sure that she intends to consult all those. However, I will press amendment 17.

Presiding Officer, I suspect that the support for amendments 17 to 22 will be the same so, if it saves time, can they be decided on as a group?

The Deputy Presiding Officer: No, they will all have to be decided on individually, but thank you, anyway.

The question is, that amendment 17 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)

Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 43, Against 74, Abstentions 0.

Amendment 17 disagreed to.

Amendment 18 moved—[Patrick Harvie].

The Deputy Presiding Officer: The question is, that amendment 18 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)

Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 43, Against 74, Abstentions 0.

Amendment 18 disagreed to.

Amendment 19 moved—[Patrick Harvie].

The Deputy Presiding Officer: The question is, that amendment 19 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)

Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 43, Against 74, Abstentions 0.

Amendment 19 disagreed to.

Amendment 20 moved—[Patrick Harvie].

The Deputy Presiding Officer: The question is, that amendment 20 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)

Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 43, Against 72, Abstentions 0.

Amendment 20 disagreed to.

17:00

Amendment 21 moved—[Patrick Harvie].

The Deputy Presiding Officer: The question is, that amendment 21 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)

FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 42, Against 73, Abstentions 0.

Amendment 21 disagreed to.

Amendment 22 moved—[Patrick Harvie].

The Deputy Presiding Officer: The question is, that amendment 22 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)

Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)

Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 43, Against 73, Abstentions 0.

Amendment 22 disagreed to.

Amendment 56 moved—[Mary Fee].

The Deputy Presiding Officer: The question is, that amendment 56 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)

Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)

Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 42, Against 75, Abstentions 0.

Amendment 56 disagreed to.

Section 43—Applications to First-tier Tribunal to enforce code of practice

The Deputy Presiding Officer: We move to group 13. Amendment 23, in the name of Patrick Harvie, is grouped with amendments 24, 25 and 26.

Patrick Harvie: Amendments 23 and 24 make one relatively simple change to section 43.

Section 43 introduces the procedures for the application to first-tier tribunal in relation to the enforcement of the letting agent code of practice. All members have acknowledged that there is a great deal of strength in that process and welcome the general thrust of the bill as it stands. However, at the moment, the applications can be made only by a tenant or a landlord—those being the individuals or bodies that would be seen to have a complaint against a letting agent as the go-between. My amendments simply seek to broaden that provision to ensure that a third party can

make an application on behalf of a group of tenants.

The minister has previously said that she is perfectly comfortable with the idea that tenants could be supported in the application process. I am sure that some tenants will be articulate enough, know what they are doing and have the confidence to make an application on their own behalf without support. However, others will not have that confidence and may feel that they will be put under pressure or receive threats from their landlord or letting agent if they make such an application. Alternatively, they may simply not know how to go about the process.

For an individual to be supported in that situation may be enough, but I am concerned about groups of tenants—for example, in a student community, where a large number of tenants are in rapid turnover in short-term tenancies and do not necessarily have the motivation or confidence to take a complaint about a letting agent's behaviour to the tribunal.

A single letting agent may be the source of a number of complaints that affect a whole community or a large group of students. It seems entirely reasonable that we allow the student rights organisation or another welfare rights or housing adviser to make the application on the students' behalf. It might be a long-term problem for the student community concerned but only a short-term problem for any individual tenant or, even, particular household, so it would be reasonable to allow third-party applications on behalf of groups of tenants where that is the only way for the tribunal to address the issue.

Amendments 25 and 26 address compensation. It seems unreasonable that tenants should be expected to pay rent during a period in which their letting agent is in breach of the code. The code will exist to protect tenants as well as landlords and, if a tenant is not being given the standard of service to which they are entitled under it, they should not pay rent.

I sought to raise that issue at stage 2. The minister said to me that the amendment that I proposed was not appropriate because the letting agent could simply pass the cost on to the landlord even though the reason for the breach of the code may not be the landlord's responsibility. Therefore, in amendment 25, I suggest that compensation should be given to the tenants in respect of the rent that they pay during the period in which the letting agent is in breach of the code but that that compensation be paid for by the letting agent.

I hope that the minister will show greater willingness to address those issues in the form that I have proposed this time.

I move amendment 23.

Mary Fee: I support amendments 23 and 24 in Patrick Harvie's name. As he has already expressed most of the reasons that I would have given for supporting them, I will be brief.

Amendments 23 and 24 would allow for third-party representation to a tribunal for groups of tenants to be properly represented. It is only fair and right that groups of tenants who may otherwise be prohibited from going to a tribunal be able to be represented by a third party and take their complaint to the tribunal. It is a sensible approach and a good way forward.

Although I have a great deal of sympathy for what Patrick Harvie said when he spoke to amendment 25, I cannot support it or amendment 26. I am concerned with the way that amendment 25 is drafted in relation to compensation that would be paid to a tenant if a letting agent did not comply with the code. It may not be just or equitable and could be open to abuse, as a tenant could delay proceeding to accrue compensation.

Alex Johnstone: I agree with Mary Fee's position on amendments 25 and 26.

On amendments 23 and 24, I have some concerns about the ability of third parties to act on behalf of groups of tenants. One of the things that we are trying to achieve in the bill is a better relationship between the tenant and landlord or letting agent. We need to work hard to ensure that that relationship is genuine and direct. The introduction of third parties acting on behalf of groups of tenants would have the potential to turn relationships into adversarial positions that are not helpful to the long-term outcome of the bill.

Margaret Burgess: Patrick Harvie requests first-tier tribunal representation by a third party, but I have some reservations about that.

The arrangements for representation would be a matter for the tribunal's rules in due course. There is nothing in the bill to prevent a group of tenants seeking support from a third party in assisting them with progressing their complaint. However, I would have concerns about a third party proceeding with the sort of class action that I believe that Patrick Harvie has in mind.

As the bill currently indicates, the Scottish Government can bring an action to the first-tier tribunal on behalf of a group of people. Given the complexities that may arise from third parties doing so, it would be unwise to rush through such an amendment without proper consideration of the consequences. For example, if a third party advises the tribunal that he or she is acting for a particular group of tenants, how would the tribunal know that all the tenants in that group have agreed to be part of the action? What would happen if one of the tenants were to change his or her mind and drop out?

Patrick Harvie: Just to reinforce my point, part of the argument in favour of the amendment concerns situations in which not all tenants have the motivation, concern or desire to raise a case but a potential or alleged breach of the code by a letting agent will still be a long-term problem for others who will be living in those properties. I mention students because they often have short-term tenancies that run for a year or six months.

How will the code be enforced against letting agents in situations where tenants have no motivation to bring a case because they know that they will soon be moving on?

Margaret Burgess: As I said in my earlier remarks, the Scottish Government can, in circumstances such as the one that Patrick Harvie outlines, make an application to the first-tier tribunal, and the tribunal can order an inspection of the premises, so that issue is covered.

I understand what Patrick Harvie is getting at, but when we look at the detail of what he proposes we see that it is incredibly complex. I am well aware that other tribunals, such as the Homeowner Housing Panel, can deal with conjoined cases in which a number of complainers have lodged an application against the same person. Tribunals will often allow a third party to support a complainer or a group of complainers, but Patrick Harvie's proposal goes further. Amendment 24 would allow a third party to act for a group of tenants in complaining about—in some instances—multiple letting agents.

I suggest that we allow the new legislation time to bed in. If the provision to allow the Scottish Government to make applications is not sufficient, we can reassess the position with the benefit of experience and with the time to reflect on the complexities that the amendment generates. I invite Patrick Harvie to withdraw amendments 23 and 24.

Patrick Harvie's amendment 25 is well-intentioned, but it is flawed because there is no requirement in the bill for landlords to comply with the letting agent code of practice or an enforcement order that is made by the tribunal.

There are already a number of enforcement measures that can be taken if a letting agent does not comply with the code. The tribunal is able to award compensation on a proportionate basis, and it may also inform the Scottish ministers of the failure to comply. In the event that the letting agent is considered to be no longer a fit and proper person, that could result in their registration being revoked. It is also an offence to fail to comply with an enforcement order, which could result in a fine on conviction.

On the basis that other penalties exist in the bill, I cannot support amendments 25 and 26, and I ask Patrick Harvie not to move them.

Patrick Harvie: Without wanting to labour the point, I note that the minister may find that some of us will seek to hold her to the commitment that the Scottish Government will raise those applications with the tribunal on behalf of tenants. There will be cases in which tenants do not wish to proceed but the issues still need to be addressed.

I am sorry that the Government is not persuaded of the need for my amendments, either with regard to third-party applications or the need to protect tenants who will still be left paying rent through a letting agent who is breaching the code.

I press amendment 23, and I will move amendment 25 when the time comes.

17:15

The Deputy Presiding Officer (Elaine Smith): The question is, that amendment 23 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)

Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 42, Against 73, Abstentions 0.

Amendment 23 disagreed to.

Amendment 24 not moved.

Amendment 25 moved—[Patrick Harvie].

The Deputy Presiding Officer: The question is, that amendment 25 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Finnie, John (Highlands and Islands) (Ind)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 McArthur, Liam (Orkney Islands) (LD)
 McInnes, Alison (North East Scotland) (LD)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scott, Tavish (Shetland Islands) (LD)
 Urquhart, Jean (Highlands and Islands) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)

Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 9, Against 106, Abstentions 0.

Amendment 25 disagreed to.

The Deputy Presiding Officer: I call amendment 26, in the name of Patrick Harvie, which has already been debated with amendment 23. Do you wish to move or not move, Mr Harvie?

Patrick Harvie: I know when I am beaten, Presiding Officer.

Amendment 26 not moved.

Section 51—Meaning of letting agency work

The Deputy Presiding Officer: Group 14 is on the meaning of “letting agency work”. Amendment 27, in the name of Alex Johnstone, is grouped with amendment 28.

I draw members’ attention to the pre-emption information in the groupings. If amendment 27 is agreed to, I cannot call amendment 28 because of pre-emption.

Alex Johnstone: I am sure that we will be okay with the pre-emption, Presiding Officer.

Amendment 27 is a re-lodging of an amendment that I lodged at stage 2, while amendment 28, which was lodged at about the same time for stage 3, seeks to have the same effect.

The problem lies with section 51(1)(b), which seeks to define the term “letting agency work”. Although it was fairly obvious from previous discussions that the bill’s drafters knew what they meant by the terms in section 51(1)(b), I was not convinced that that was what the bill actually said. As a consequence, I lodged an amendment to delete section 51(1)(b) completely.

With the minister’s amendment, which seeks to clarify the definition in section 51(1)(b), I believe that the wording is now far more effective and, indeed, will mostly have the desired effect. However, I am not convinced that redrafting the paragraph is the right way to go, and I think that we would better off if, as amendment 27 suggests, section 51(1)(b) were deleted completely. I will therefore move and press amendment 27, but, if it fails, I am prepared to support amendment 28 as a fall-back position.

I move amendment 27.

Margaret Burgess: During stages 1 and 2, some stakeholders noted concerns about the

definition of letting agency work, as Alex Johnstone pointed out. They felt that it might inadvertently cover those who repair or improve a landlord’s property, such as roofers, painters and other contractors, which would unintentionally bring them within the scope of letting agent regulation.

Amendment 28 clarifies the position by amending the existing definition of the property management aspect of letting agency work to make clear the range of management activities that the Scottish ministers intend to be within the scope of letting agency work. Those activities include collecting rent, inspecting the house and arranging repairs, maintenance, improvement or insurance. The amendment will make it clear that people who solely provide building services to the private rented sector are not intended to be covered by the letting agent regulatory regime.

Amendment 27, which was lodged by Alex Johnstone, would simply delete all section 51(1)(b). That would remove property management work from the scope of letting agency work and narrow the scope of the regulatory regime. I cannot support that consequence.

In light of my amendment 28, which clarifies the position, I ask Alex Johnstone to withdraw his amendment 27.

James Kelly: Both amendments in the group seek to deal with the discussion that took place at stage 2, when it was clear that there was confusion about the wording of section 51 in respect of letting agency work. Having studied the amendments and listened to the contributions, I am convinced that Alex Johnstone’s solution is the best way forward, but if his amendment is defeated, we will support the minister’s amendment.

Alex Johnstone: I will be brief. I think that we have come to a reasonable solution. I will press amendment 27 but commit my support to amendment 28 should amendment 27 not be agreed to.

The Deputy Presiding Officer: The question is, that amendment 27 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)

Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)

Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 46, Against 69, Abstentions 0.

Amendment 27 disagreed to.

Amendment 28 moved—[Margaret Burgess]—and agreed to.

Section 61—Fit and proper person considerations

The Deputy Presiding Officer: Group 15 is on mobile home sites with permanent residents. Amendment 29, in the name of the minister, is grouped with amendments 58, 30 and 31.

Margaret Burgess: Amendment 29 makes it explicit that a local authority must, when running the fit-and-proper-person test, take into account any issues around the site owner profiteering from providing utilities to residents. The amendments reflect amendments that Mary Fee lodged during stage 2. There were some technical issues that we wanted to consider after stage 2. I am happy to say that we have worked through them so that amendment 29 addresses the issues that were raised by Mary Fee's stage 2 amendments.

Amendment 58 clarifies that, when a site licence applicant provides details of convictions in their application, only unspent convictions should be covered. This technical amendment would put beyond doubt that only convictions not yet spent under the terms of the Rehabilitation of Offenders Act 1974 are required to be disclosed. Any spent convictions that a person has will not require to be disclosed; the amendment ensures that the bill is clear on that requirement.

I will now speak to amendment 30. One of the measures in the bill will allow a local authority to take emergency action on a site where there is imminent risk of serious harm. That is an important measure that allows a local authority to take action quickly and fix a significant problem where someone could be seriously harmed.

However, the bill as drafted includes three requirements that have to be met before a local authority can take emergency action on a site without a licence. One of those requirements would mean that a local authority would have to establish that the person in control of the land was “causing or permitting” the land to be used as a mobile home site with permanent residents. Amendment 30 will remove that requirement. The key issues in such a situation are that a site exists and that there is imminent risk of serious harm; whether someone is “causing or permitting” land to be used as a site is irrelevant. A local authority’s power to take emergency action is for use when there is a dangerous situation that needs to be urgently addressed. We want to avoid a local authority having to go through unnecessary stages before it can take that action.

Amendment 31 provides that, where an offence has been committed under part 5 of the bill by a corporate body and it can be proven that a specific individual played a role in committing the offence, that person also commits an offence and can be punished accordingly. That would mean that, for example, unscrupulous site owners cannot evade legal responsibility for their actions by setting up companies to own land and hold the site licence.

Amendment 31 reflects the position in other similar licensing regimes, including the new mobile home licensing regimes in England and in Wales. It provides a useful additional measure to tackle unscrupulous site owners, and I ask members to support it.

I move amendment 29.

Mary Fee: I will speak to amendments 29 and 30, in the name of the minister.

As the minister said, amendment 29 reflects an amendment that I lodged at stage 2 about the ability of local authorities to take into account breaches of gas, electricity and water agreements by mobile home site owners when carrying out a

fit-and-proper-person test. I am grateful for the minister’s agreement to take forward my proposal and I am happy to support amendment 29.

I am also happy to support amendment 30, and I welcome the minister’s additional clarification today. I had concerns about the wording of subsection 2 of new section 32Z of the Caravan Sites and Control of Development Act 1960—my concern was about the drafting and whether the wording was too broad or would curtail certain things—but, given her comments, I am happy to support the amendment.

Margaret Burgess: We have covered the issue of profiteering in the bill as a local authority must have regard to all the circumstances of a case. I was pleased to take forward the amendments on profiteering that Mary Fee lodged at stage 2.

I have nothing further to add on amendments 58, 30 and 31.

Amendment 29 agreed to.

Amendment 58 moved—[Margaret Burgess]—and agreed to.

Section 67—Emergency action

Amendment 30 moved—[Margaret Burgess]—and agreed to.

Before section 70

Amendment 31 moved—[Margaret Burgess]—and agreed to.

Section 72—Tenement management scheme

The Deputy Presiding Officer: Group 16 is on tenement management schemes. Amendment 59, in the name of Sarah Boyack, is grouped with amendments 60 and 61, and 32 to 34.

17:30

Sarah Boyack (Lothian) (Lab): Under subsection (4) of new section 4A of the Tenements (Scotland) Act 2004, as introduced by section 72 of the bill, a local authority will be required to notify an owner if it intends to pay a share of scheme costs on that owner’s behalf. Amendment 59 seeks to ensure that the bill is sufficiently clear about the process in circumstances in which the reason for the local authority intervening is an inability to identify or find the owner in question. When I raised the issue at stage 2, I was directed to section 30 of the 2004 act, which states that, when an owner cannot be identified, a notice will be deemed to have been sent if it is delivered to the property addressed to the owner, proprietor or something similar.

That might seem to be a trivial point, but I am keen for us to be clear about what that means and

I want to tease out from the minister whether the current requirement in the bill to notify an owner is consistent with the issuing of an official notice under the 2004 act. Amendment 59 would remove any ambiguity around that point.

Amendment 60 would require the Scottish Government to publish guidance about the operation of section 4 of the 2004 act on tenement management schemes and new section 4A on the power of local authorities to pay a missing share of scheme costs. New section 4A introduces significant and welcome new powers to minimise delays and assist owners who take their maintenance responsibilities seriously to get repairs moving.

Getting the powers right is one thing; ensuring that they are being used to the best effect is another challenge. The requirement for the Scottish Government to produce guidance in consultation with local authorities and other stakeholders will help to ensure that all parties are aware of the provisions and the scope that they provide for ensuring that common repairs are implemented timeously. That will also allow for a review of any existing guidance that is available to local authorities and others on the operation of the tenement management scheme to ensure that, 10 years on from the 2004 act, the legislation is operating effectively. From talking to local authority colleagues, I think that it is clear that the existing legislation is complex and not necessarily being used to best effect. It would be useful to bring together the new legislation with existing legislation.

Alongside official guidance for professionals, I would welcome the minister's comments on whether, in light of the bill, the Government will revisit and update the "Common Repair, Common Sense" booklet to assist consumers and residents to navigate the amended legislation that we are going to pass tonight.

Amendment 61 acknowledges that registered social landlords would benefit from having a discretionary power to recover their costs from private owners by a repayment charge along the same lines as that introduced for local authorities. I was first made aware of that by a constituent who sought support from the local housing association to help with getting repairs carried out when the housing association owns one or more properties, but the housing associations would not act. When I raised the issue in evidence sessions on David Stewart's Defective and Dangerous Buildings (Recovery of Expenses) (Scotland) Bill, there was a strong mood that we need to act on the issue.

I am pleased that the minister has listened to the arguments that I made on the issue at stage 2 and I am also grateful for her assistance in crafting a revised amendment that I hope will be crafted in

such a way that we can pass it happily this afternoon. Housing associations are expected to ensure that the properties that they let meet the minimum standard that is set out in the Scottish housing quality standard, but they cannot do that in some cases because they cannot get consent from owners in other parts of the buildings to carry out common works. As co-owners, they have the right to carry out work in tenements in which they own a majority of flats or if they can secure the support of a sufficient number of owners to form a majority, but they cannot force those other owners to come to the table. That is left up to civil remedies, which are not as successful because the process is protracted and hugely costly and it is not a route that housing associations choose.

We clearly have a problem here. If registered social landlords had the discretionary power to recover costs from private owners by using repayment charges that are along the same lines as those introduced for local authorities in section 72 of the bill, that would transform the situation.

Amendment 61 creates a regulation-making power. Before using it, the Scottish Government would be required to carry out a consultation and consider the views of stakeholders. That is critical, because it gives everyone the opportunity to comment on the detail of how the regulation might be made. If we put it in the bill today, it means that it will happen, but the details need to be sorted out. Enabling the minister to propose the regulatory powers would be the right way to do that, because it would mean that the Parliament would be able to scrutinise them.

I am aware that housing associations have been forced to take properties out of their letting pools because they cannot afford to cover the necessary common repairs. That reduces the availability of social housing when we already have a challenge because of a shortage of housing. Amendment 61 is crucial because it will allow housing associations to play their part in ensuring that buildings are kept wind and watertight and up to the Scottish housing quality standard. The amendment provides protection for vulnerable home owners who might be adversely affected by a registered social landlord's decision to recover costs because it includes a right to appeal to ministers.

The amendments in this part of the bill are crucial to strengthening the bill when it is passed tonight.

I move amendment 59.

Margaret Burgess: Amendment 32 replaces the current fixed 30-year period for repayment of a debt that is owed to a local authority in connection with work that has been done to repair and maintain private homes with a flexible period of

between five and 30 years, to be determined by the local authority.

That recovery power will also apply to the new missing-share power for tenement buildings that will be introduced by section 72, and will provide local authorities with an effective tool to secure repayment of their costs in paying a missing share.

Amendments 33 and 34 make a similar change to charging order powers under the Housing (Scotland) Act 1987.

Amendment 59 changes the wording of the duty to notify owners before using the new missing-share power that will be introduced by section 72 of the act. Section 30 of the Tenements (Scotland) Act 2004 and rule 9 of the tenement management scheme, which is contained in schedule 1 to the 2004 act, make provision on what giving notice means. On balance, I am happy to support the amendment to make as clear as possible what is meant by the new provision.

Amendment 60 would require the Scottish Government to produce guidance on the operation of the tenement management scheme and the use of the new missing-share power by local authorities. The tenement management scheme provides a framework for collective decision making by owners of tenements. It helps them to take responsibility for work to common parts of their own homes and allows them to enforce majority decisions against owners who will not co-operate.

Although new section 4A provides a power for local authorities to intervene to support majority decisions, that is intended to be a last resort, and the operation of the tenement management scheme is primarily a matter between owners, to which the local authority would not normally be party. It is not obvious what purpose would be served by publishing guidance to local authorities about the operation of section 4.

As Sarah Boyack said, the Scottish Government already provides non-statutory guidance to home owners in the leaflet "Common Repair, Common Sense", which we took over from Consumer Focus Scotland last year and which we will be revising to bring up to date. We also provide guidance for local authorities on their role in providing assistance to home owners under the Housing (Scotland) Act 2006. We will also be revising that guidance to take account of other changes in the bill.

Amendment 61 seeks to address an issue that was raised during the stage 2 debate. Together with the amendments in my name in this group, the amendment will provide a powerful debt recovery tool to support registered social landlords

who need the co-operation of private owners to carry out work to address poor-quality tenements.

As Sarah Boyack mentioned, since stage 2 I have discussed her concerns with her and have considered the views of the SFHA. It is important that there should be protection for vulnerable tenants, so I am pleased to note the scope for an appeal procedure in the amendment.

In conclusion, I ask members to support amendments 32, 33, 34, 59 and 61. I invite Sarah Boyack not to move amendment 60.

Alex Johnstone: I am happy to support amendments 32, 33 and 34, because they make valuable improvements to the bill.

With regard to Sarah Boyack's amendments, I am happy to support amendment 59. In all honesty, I am happy to support amendment 60 as well, as it simply requests the Government to provide clarity by publishing the guidance to which it refers.

The minister has accepted amendment 61, but I still have some concerns about it. It extends the scope of the provisions for the recovery of expenses from local authorities to registered social landlords. I contend that local authorities and RSLs are rather different in their operation and their perspective and that, as a consequence, it would be irresponsible of us to assume that the same legislation could act effectively for the same purpose.

Sarah Boyack proposes that we should legislate today and then consult. I am more cautious and I am concerned that we need to get the provisions right. I understand the suggestion that we should extend the approach to RSLs, but I am not convinced that amendment 61 is the right way to do that. I will support any process that leads us in that direction, but it would be premature of us to support the amendment.

Sarah Boyack: I am delighted that, as I understand it, the minister will support amendment 59. On amendment 60, I agree with her that the tenement management scheme should be the first port of call, but I am concerned that that is not the case for many residents. That is partly because of a lack of guidance and partly because local authorities lack the power to concentrate minds.

When the bill is passed, it will give local authorities more powers to act—that will be discussed further in the debate on the next group of amendments. Amendment 60 would strengthen those powers.

The legislative provisions are complex. When the situation is difficult, most owners walk away from sorting out the problems, which leaves us with a major public safety problem and a major

problem with the maintenance and repair of our buildings.

The new framework that we will create tonight will improve matters hugely. I am keen for the Scottish Government to be as proactive as possible in ensuring that local authorities and owners know as much as they can, so that the difficult part of forcing people to pay is the last backstop and not the first approach.

We have not mentioned the statutory notices problem in Edinburgh; notices were used principally because owners did not work together. The bill will help, because it will tell owners that, if they do not work together, the local authority will step in. Owners will still have to pay, but the works will definitely go ahead. For that reason, the bill is a huge step forward.

I say to Alex Johnstone that not including registered social landlords would be a huge missed opportunity. They must be part of the picture. That would improve the situation significantly when RSLs can act and are ready to act.

We know that the principle is the right thing to do, but it is only right and proper that the detail should be in separate regulations. Many members have argued for such an approach to different issues in the past.

It is important to support all the amendments in my name, which form a package, alongside the minister's proposed measures. The amendments would strengthen the bill and ensure that it delivers on the aspirations that we all have for it.

Amendment 59 agreed to.

Amendment 60 moved—[Sarah Boyack].

The Deputy Presiding Officer: The question is, that amendment 60 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)

Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)

Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
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 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 51, Against 60, Abstentions 0.

Amendment 60 disagreed to.

17:45

Amendment 61 moved—[Sarah Boyack].

The Deputy Presiding Officer: The question is, that amendment 61 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For:

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)

Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)

Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Against:

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 100, Against 13, Abstentions 0.

Amendment 61 agreed to.

17:45

After section 74

The Deputy Presiding Officer: Group 17 is on maintenance orders: report on exercise of powers. Amendment 62, in the name of Sarah Boyack, is the only amendment in the group.

Sarah Boyack: When we considered the amendments in group 16, I spoke about the distinction between getting a bill's provisions right and ensuring that they are used effectively. Amendment 62 stems from an issue that demonstrates that point effectively.

At stage 2, Jim Eadie lodged an amendment that would have required owners to prepare maintenance plans to cover common repairs, with a view to encouraging responsible home ownership. Under the amendment, failure by owners to complete a home maintenance plan would have constituted a ground for the local authority to consider that a house was unlikely to be maintained to a reasonable standard, for the purposes of issuing a maintenance order. The amendment had its origins in evidence that the City of Edinburgh Council gave to the Infrastructure and Capital Investment Committee.

However, in response to that amendment, the minister argued that local authorities already have the power to require an owner, through a maintenance order, to draw up a maintenance plan. We therefore have a situation in which local authorities are calling for measures to promote more responsible home maintenance by owners, while the minister says that the existing powers are sufficient.

Amendment 62 aims to dig into the operation of the existing powers by requiring the Scottish Government to report regularly on the use of maintenance orders. If the amendment is agreed to, it will require the Government to produce a report on a variety of issues to do with local authorities' use of maintenance orders from the time when the powers came into force to the present day. The amendment would also require subsequent reports to be produced on a three-yearly basis. Such reports would provide us with useful insight into how the powers are being used. The findings would put us in a much better position to be able to assess whether the powers as currently constituted are achieving their purpose, or whether further work is needed to support local authorities to use them effectively.

We have the Tenements (Scotland) Act 2004, and we have since 2004 considered several bills that relate to housing. It is important that the Scottish Government monitor the effectiveness of our legislation and that the Parliament carry out legislative scrutiny. Amendment 62 would help us to achieve those objectives by providing for reporting mechanisms, so that we can be sure that the provisions in the bill and previous housing legislation are being put into effect and used by local authorities, as Parliament intended.

I move amendment 62.

Alex Johnstone: We often come across situations in which it turns out that local authorities have powers that they did not know about. When the amendment that was similar to amendment 62 was lodged at stage 2, the minister's defence was that the powers already exist for local government. I was and remain content with the explanation, but as we progress towards the end of stage 3 I look forward with interest to hearing what the minister will say.

Margaret Burgess: Amendment 62 would require the Scottish Government to produce a report on local authorities' use of maintenance order powers, which were brought into force on 1 April 2009. Local authorities have made less use of the powers than was expected because they find administration of the process to be onerous. In response to those concerns, I have made a number of changes that will streamline the process, and which are set out in sections 74 and 75 and were supported by most local authorities during the Scottish Government's consultation.

One of the changes is to move information on maintenance plans from the land register to the building registers that are held by local authorities. That will reduce the cost of using maintenance orders, but will mean also that there is no central point of information for some of the details that the provision in amendment 62 seeks to require the Scottish Government to obtain.

I am happy to engage with local authorities on the use that they make of the powers that we provide for them, and I am happy to seek information on numbers from the keeper of the Registers of Scotland and from local authorities, as required. The amendments that we have made to the bill demonstrate that we have been listening and have made changes to improve use of the maintenance powers, but I do not think that the proposal to formalise reporting on the numbers of orders and plans would help with that. I therefore cannot support amendment 62.

Sarah Boyack: Notwithstanding the minister's comments, I will press amendment 62.

The Deputy Presiding Officer: The question is, that amendment 62 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)

Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 36, Against 71, Abstentions 0.

Amendment 62 disagreed to.

After section 76

Amendment 32 moved—[Margaret Burgess]—and agreed to.

Section 76A

Amendments 33 and 34 moved—[Margaret Burgess]—and agreed to.

Section 77B—Private rented housing panel: disqualification from membership

The Deputy Presiding Officer: Group 18 is entitled “First-Tier Tribunal and private rented housing panel membership: parliamentary procedure”. Amendment 35, in the name of the minister, is grouped with amendment 36.

Margaret Burgess: At stage 2 the Government amended the bill to provide ministers with powers to vary certain tribunal disqualifications. Amendments 35 and 36 will change the procedure that is to be used from negative to affirmative. The change responds to an issue that was raised by the Delegated Powers and Law Reform Committee. Although the powers relate to quite straightforward administrative matters, I am content to amend the powers to require use of affirmative procedure, as recommended by the committee.

I move amendment 35.

James Kelly: Disqualification from the Private Rented Housing Panel is a serious matter that should get appropriate scrutiny by Parliament. The change from use of negative procedure to affirmative procedure makes good sense, so I support the minister’s amendments.

Alex Johnstone: I was not going to say anything, but I decided to stand up merely to defend the negative procedure, which is much maligned in Parliament. Committees often argue that affirmative procedure is preferable to negative procedure, but I find the negative procedure very attractive and responsive. We should use it with pride in our parliamentary processes.

Notwithstanding that comment, I support amendment 35, which is in the minister’s name.

Nigel Don (Angus North and Mearns) (SNP): As the convener of the Delegated Powers and Law Reform Committee, I am delighted that the Government has responded to our suggestion.

Amendment 35 agreed to.

Section 82—Subordinate legislation

Amendments 67, 68 and 69 not moved.

Amendment 70 moved—[Drew Smith].

The Deputy Presiding Officer: The question is, that amendment 70 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)

McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Against

Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 97, Against 12, Abstentions 0.

Amendment 70 agreed to.

Amendment 36 moved—[Margaret Burgess]—and agreed to.

Amendment 37 moved—[Patrick Harvie]—and agreed to.

Section 85—Commencement

Amendment 71 not moved.

Amendment 72 moved—[Mary Fee].

The Deputy Presiding Officer: The question is, that amendment 72 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)

Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 37, Against 71, Abstentions 0.

Amendment 72 disagreed to.

Long title

Amendment 73 not moved.

The Deputy Presiding Officer: That ends consideration of amendments.

Housing (Scotland) Bill

The Deputy Presiding Officer (Elaine Smith):

The next item of business is a debate on motion S4M-10438, in the name of Margaret Burgess, on the Housing (Scotland) Bill.

I call Margaret Burgess to speak to and move the motion. Minister, you have around 10 minutes, but at this stage we have some time for interventions.

18:01

The Minister for Housing and Welfare (Margaret Burgess): Thank you, Presiding Officer.

I will start by thanking everyone who contributed to the development of the Housing (Scotland) Bill, including members of all parties and stakeholders from across all sectors of housing. I am grateful to those stakeholders for their considered thoughts on the bill, both while the Government was shaping its policy and during the Parliament's consideration of the bill, and I thank the members of the Infrastructure and Capital Investment Committee for their detailed scrutiny of the bill. I was pleased to lodge a number of amendments at stage 2 in response to the committee's recommendations.

I believe that the broad consensus in favour of the policies in the bill reflects our commitment to working with stakeholders on its provisions. Following its enactment, we will continue that dialogue as we develop draft guidance and proceed with implementation.

The Scottish Government published its strategy for housing, "Homes Fit for the 21st Century", in February 2011. It included a number of measures that required legislation, and the bill fulfils our commitment. The bill will safeguard the interests of consumers, support improvements to the quality of housing and secure better outcomes for communities. It will introduce greater flexibility for social landlords to manage their houses and, by ending the right to buy, it will provide social landlords with more certainty in planning to invest in those houses as well as in new homes.

The committee and stakeholders had concerns that a three-year notice period was too long for ending the right to buy, and I reduced it to two years. I believe that a two-year period balances the need to stop social housing being sold at a discount as soon as is reasonably possible while ensuring that those who have the right to buy and are able to exercise it will have a reasonable opportunity to do so. A period of two years will give them time to consider their options carefully.

and to seek reputable financial advice without being rushed into a decision.

Ending the right to buy sits alongside the Government's target to deliver 30,000 new affordable homes in the five years of this session of Parliament. By 31 March 2014, we had already delivered 19,903 affordable homes, 14,294 of which were for social rent. That represents 71 per cent of our social rent target. We are therefore on track to meet the 30,000 target, and we have now committed £1.7 billion to delivering those vital homes in the five years of the current session of Parliament. Yesterday, the First Minister announced that we had reached a spend of £1 billion, which is a substantial investment in housing. That spend is not only an investment in housing; it sustains 8,000 jobs each year.

James Kelly (Rutherglen) (Lab): The minister refers to the £1 billion spend that the First Minister announced yesterday. Do you recognise that there has been a 29 per cent cut in the housing budget, as a result of which we have seen the lowest number of completions since 1947? The effect of that is apparent in our constituencies, where there are growing waiting lists. That is the effect that the cuts in the budget are having.

Margaret Burgess: The Scottish Government is investing more and is building more social houses than any previous Administration in the Parliament—more council houses and more houses by registered social landlords. That is a fact; it cannot be disputed. *[Interruption.]* We are doing that at the same time as we are investing in affordable houses in mid-market rent—*[Interruption.]*

The Deputy Presiding Officer: Order, please.

Margaret Burgess: We are committed to housing in this country. There are more houses per head of population being built in Scotland than in the rest of the UK. We are building the houses—*[Interruption.]*—no matter what James Kelly is trying to say. We are outperforming any other place in the UK in building houses.

The private rented sector has grown significantly over the past 10 years. That is why the Government consulted on and published the first private rented sector strategy for Scotland. The bill introduces measures that will strengthen the regulation of that sector. It gives local authorities increased powers to tackle poor conditions through third-party reporting to the private rented housing tribunal and the power to inspect a property. It gives local authorities new discretionary powers to tackle disrepair in the owner-occupied sector. It establishes a housing tribunal to deal with private rented sector cases.

James Kelly: What does the bill offer to tenants in the private sector who are facing rent rises of

nearly 20 per cent? What is your answer to those tenants, minister?

The Deputy Presiding Officer: Members should remember to speak through the chair, please.

Margaret Burgess: The Government is absolutely committed to those who rent in the private sector. We introduced the first private sector strategy for Scotland. We are ensuring that the landlord registration scheme is being enforced. We will also regulate the letting agency industry, ensuring that tenants get a fair deal. We are already examining the tenancy regime, and I will discuss that later in my speech. We were considering that long before James Kelly ever talked about it.

All those measures were developed through consultation with stakeholders. I am clear that they will help to ensure that there are good standards across the private rented sector. There is broad consensus for the approach to regulating letting agents, and I believe that the framework has been strengthened during the scrutiny of the bill.

The Scottish Government will continue to work closely with stakeholders and others to develop the code of practice and to ensure that it delivers a robust regime. I hope that that answers Patrick Harvie's earlier point: when we are considering the code of practice, it will be a very wide consultation, and not just with the letting agency industry. Members from all parties have been keen to understand what the code will cover, so it is right that it should come back to Parliament for consideration and agreement before being implemented.

Measures to improve standards in the sector have been strongly supported. The new requirements on landlords to have regular electrical safety checks and to install carbon monoxide detectors—provisions that were introduced by Bob Doris and Jim Eadie—have been welcomed by landlord and tenant organisations alike.

There are those in the chamber who have been critical, saying that the bill does not go far enough and that it should include measures on energy efficiency, increasing security of tenure and capping rent increases. The Scottish Government is pursuing work to develop energy efficiency standards for the private rented sector and will consult on them in 2015. The consultation will invite views on what those standards should be, as well as on the timescale for introducing the standards. It is right that we take time to work with stakeholders to identify the right proposals and to consult fully on them.

The independent private tenancy review group published its report last month. I have accepted its

recommendation for a new single private tenancy that would cover all future lets in the sector. We will develop detailed proposals for that, and we will consult on them in the autumn. Those measures deal with issues that were identified by the private rented sector strategy group and the Government's consultation on its draft strategy. That group, which was made up of stakeholders from across the sector, did not identify issues with rent levels or rent increases.

James Kelly's proposals to cap rent increases would require major legislative change. Any such change should be based on a clear understanding of the nature and scale of the problem and of what the options are for addressing it, so that we can be sure that it has a positive outcome and that it avoids any unintended consequences. That should be done through discussion, consultation and careful drafting of provisions if required, not by an amendment that gives ministers very broad powers and sets unrealistic timescales for introduction. We will be looking at the issue in our consultation on the tenancy regime in the autumn.

A crucial factor in driving up rents in the private rented sector is limited supply. The Government is working with a range of partners to deliver homes for mid-market rent through initiatives such as the national housing trust, which is on track to deliver more than 2,000 much-needed new homes in communities across Scotland. We are also supporting Homes for Scotland in its work to attract new institutional investment into the sector, by funding a dedicated Scottish private rented sector champion who will be tasked with bringing developers and potential funders together to deliver new high-quality homes in the sector.

I am not complacent. As I said earlier during the consideration of amendments, the consultation on a new single tenancy will also explore issues relating to rent levels in the private sector.

The bill also introduces new rights for those living in mobile homes, many of whom are elderly people who live permanently on sites across Scotland, and they will benefit from the provisions that update legislation dating from the 1960s. The measures will ensure that site owners are fit and proper persons and will strengthen local authority licensing powers so that they can target those who are not complying with the law.

The Housing (Scotland) Bill brings together a wide-ranging package of measures that the Infrastructure and Capital Investment Committee concluded will make improvements across the social, private rented and owner-occupied sectors. The measures were developed in consultation with stakeholders and have been strengthened by the scrutiny of the Parliament, and I commend them to members.

I move,

That the Parliament agrees that the Housing (Scotland) Bill be passed.

The Presiding Officer (Tricia Marwick): I call Mary Fee, to be followed by Alex Johnstone. I point out at this stage that we have a little time in hand, so I will be as flexible as I can.

18:12

Mary Fee (West Scotland) (Lab): I welcome the opportunity to speak in the debate on the Housing (Scotland) Bill, and I confirm that Scottish Labour members support the aims of the bill and welcome many of the measures that it brings to the housing sector.

There can be no denying that housing in Scotland faces some significant and complex challenges, and I am sure that everyone in the chamber will agree that we want a strong and growing housing sector. Although we support the principles of the bill, we feel that it is a missed opportunity, and I will expand on that as I progress.

This is the eighth year in which the current Administration has been in control of Scotland's housing sector, and we are now about to pass its second housing bill. In the past eight years, the Scottish Government has failed to make housing a priority. More than 150,000 people are on waiting lists in Scotland, many of them in houses that are unsuitably small or in poor condition, and many in the private rented sector are paying far more than they can afford.

House building is at its lowest level since the end of world war two, with fewer than 15,000 homes completed in the past few years. However, we can hardly be shocked at that figure, as the capital housing budget was cut by 29 per cent between 2008-09 and 2011-12. Audit Scotland has estimated that Scotland will need 500,000 new homes over the next 25 years to meet demand. In the period from 2001 to 2006, there were 144,749 home completions under Labour, with a further 112,319 home completions between 2007 and 2012 under the Scottish National Party. It can be easy for both sides to assign blame, but it does not change the fact that not enough houses have been built.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): When will Mary Fee point out that the decline has been due to a decline in the private house building sector but not in the public sector?

Mary Fee: There is a decline across housing in general in Scotland. I remind the member that housing is devolved and that it is the Scottish Government's responsibility. The budget has been

cut and we are facing a shortfall of 160,000 homes. I have carefully read the Government's white paper and I would be grateful if a member could point out to me on which page it tells us how much more the Scottish Government will invest in housing to make it right and better when we are independent. There is no answer from any member on that.

The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon): It is not relevant.

Mary Fee: It is relevant.

Patrick Harvie (Glasgow) (Green): Will the member give way?

Mary Fee: Can I just make a little progress?

When key stakeholders across the sector are saying that housing in Scotland is in crisis, we must listen to them. *[Interruption.]*

The Presiding Officer: Ms Baillie and Ms Sturgeon, you are at it again.

Mary Fee: I would like to progress.

The Presiding Officer: One minute, Ms Fee. Ms Baillie and Ms Sturgeon, you are at it again. Will the two of you just behave yourselves?

I call Mary Fee.

Mary Fee: Thank you, Presiding Officer.

The Housing (Scotland) Bill was an opportunity to take control of this crisis and start tackling the challenges that we face. We would have liked to have seen more progressive parts included in the bill and are disappointed that our proposed amendments to create sustainable communities, cap yearly rent rises and ensure security for tenants in the private rented sector did not gain support.

The abolition of the right to buy has been long overdue and needed to protect social housing, and we welcome the measure in the bill. However, we would have preferred, in line with the recommendation of the Infrastructure and Capital Investment Committee and the majority of those who gave evidence to it, for the right to buy to be abolished one year, rather than two years, from the date of royal assent.

Protecting social housing does not stop at ending the right to buy. Ensuring that everyone has a right to social housing that is suitable for their needs remains a priority for Scottish Labour. That is why we wanted the amendment on sustainable communities. With such an approach, we can consider sustainability by matching tenants to homes and, we hope, build long-lasting communities. Living in sustainable communities benefits everyone. Our local authorities and

housing associations, working with community groups, know best what their communities need. Working to make sure that people can sustain their tenancy and tackle antisocial behaviour is a priority for Labour.

Part 3 of the bill, on the transfer of power to the first-tier tribunal, is a practical move. Sheriff courts across Scotland are struggling to support criminal justice proceedings, and it is a step in the right direction to take housing-related issues out of those courts. However, careful monitoring is required to ensure that tribunals remain fair and representative.

On the private rented sector, James Kelly proposed amendments on rent reviews and increases in tenancy lengths that would have improved the bill. Indeed, the SNP's expert working group on welfare said in relation to the private rented sector:

"This means looking at the nature of tenancies, for example, giving tenants in the private sector longer-term tenancies than generally exist at present, as well as building into tenancy agreements that rents should increase in line with inflation but not above it".

Another feature of the bill is the registration of letting agents. We need a strong, well-regulated private rented sector with meaningful sanctions that give confidence and security to both tenants and landlords. I am pleased that the minister has recognised the merit of my stage 2 amendments on short Scottish secure tenancies, and I welcome her amendment that ensures that tenants will get more information on why they are being transferred to a Scottish secure tenancy, what action will be taken and the right of appeal.

At stages 1 and 2, concerns were raised regarding mobile home site owners adding further charges for utilities. Again the minister took on board my proposed amendment on that issue and has amended the bill with her amendment.

I can confirm that Scottish Labour will support the passing of the bill. As I mentioned earlier, the housing sector in Scotland faces some complex and difficult challenges going forward. It is disheartening that the bill does not contain any new or radical proposals, but that highlights the lack of vision on housing from the Scottish Government.

Scottish Labour's vision would be for a strong and vibrant housing sector. We would engage with key stakeholders across Scotland to build a policy that makes a real difference, with a long-term strategy for rural and urban housing. We would seek to regenerate our town centres and to tackle the empty properties that affect all of Scotland. We would be innovative and have a long-term housing action plan that would tackle Scotland's housing crisis head on.

18:19

Alex Johnstone (North East Scotland) (Con):

It has been an exciting afternoon. I can say that because sitting on the front benches dealing with the amendments allows the time to pass rather more quickly than it does for the poor unfortunates who find themselves sitting at the back trying to do paperwork and watching the clock. It has been an exciting day. I have made a spirited defence of the negative procedure, which puts me in a minority in the Parliament. I also managed to lead my party into voting against an amendment that was consequential to one that we had agreed to earlier in the proceedings. It has been an eventful day so far. By the way, Presiding Officer, that was a mistake, but these things happen.

In this debate on the motion that the bill be passed, I will cover a number of key issues. The bill has some things that are of value. Commendable work is being done to reach a position in which those who work in the private rented sector and who are reputable can succeed in providing housing for those who need it. The work that the Government is doing with the private sector representative organisations—the landlords organisations—is commendable.

The bill is the first attempt to bring letting agents into line. Landlords and letting agents have an enormous amount to contribute to housing in Scotland in the long term. By bringing them into the regulatory structure, we can ensure that, as I have said before, all landlords do what the good landlords have been doing for ages. That is important.

In Scotland, our housing structure is creaking at the seams. I know that I have been accused of defending some of the issues that might have caused that. However, there is hope in the discussion that we have had today. I believe that our obsession with social housing masks a fault or flaw in the market in Scotland. We seem to take the view that government responsibility at local and national level is to deal with those who are in the greatest need through the provision of social housing. Implicit in that is the idea that everyone else can look after themselves, but I do not believe that that is the case. We need to think long and hard about the shape of the Scottish housing market. That is why I was particularly delighted to hear the minister talk in her opening remarks about the Government making efforts to bring together developers and investors so that they can go on and build affordable houses in Scotland.

The greatest pressure on social housing today comes from the fact that there is no process by which those who are in it can move up the ladder. We can provide the next rung on the ladder by taking the investment opportunities that I know exist to build affordable housing for mid-market

rent in large quantities. The reason why there is such demand in the private rented sector is our failure to provide an alternative in the centre of the housing market. What I heard from the minister suggested that the Government might put more effort into achieving what can be achieved through private or institutional investment and through the developers that are in a position to build homes and relieve the pressure in the market.

Another positive element of the bill is the move to first-tier tribunals in dispute resolution. From the evidence on the bill, it was obvious that there is an appetite for that. In fact, those who saw the opportunities that are offered by introducing that for the private rented sector want to extend it to the social rented sector. The minister has spoken about that in previous debates. We can take heart from the fact that the Government's view is that, if the tribunals are a success in their proposed form, a future opportunity will be taken to consider extending their range so that we make more effective use of their powers.

There are, however, things that I wanted to see in the bill that are not in it. The change to the allocations policy that would have allowed age to be taken into account in allocations was in the original draft of the bill but was removed by the minister at stage 2. I tried to put it back in today, but my amendment was rejected. We have problems in our allocations policy that we need to address, and I saw taking age into account as a criterion as a small first step towards dealing with some of those problems. The Government's failure to press ahead with the recommendations of its consultation in that area is, I believe, a weakness in the bill.

Another issue that was addressed in the original consultation draft but which never saw the light of day when the bill was published is the concept of starter or initial tenancies. At stage 2, I lodged a detailed amendment on the subject that was rejected. I would have liked something in the bill that would have given us a specific tenancy to be granted to those who have the greatest difficulties and required those who supply tenancies to provide the necessary support to individuals.

The Presiding Officer: Can you bring your remarks to a close?

Alex Johnstone: Sorry—I thought that I was still in time, Presiding Officer. I will bring my speech to a close.

My key point relates to the right to buy. I understand that I will have the opportunity to close the debate on behalf of my party, so I will leave that part of my speech until later.

The Presiding Officer: Thank you, Mr Johnstone. I appreciate your efforts.

We move to the open debate. At the moment, I can offer members five minutes each instead of four minutes.

18:27

Jim Eadie (Edinburgh Southern) (SNP): I am pleased to take part in the stage 3 debate on the Housing (Scotland) Bill.

In the stage 1 debate, I welcomed the general principles of the bill, particularly the abolition of the right to buy, which will result in more than 15,000 homes in the social rented sector being retained over the coming decade. We must remember that the right to buy led to a significant reduction in the number of houses that are available for rent. Over the years, since it was introduced, the right to buy has greatly diminished the amount of housing stock of good quality that is available for rent to families throughout Scotland. We have a duty to provide homes of good quality for all families, including those who cannot afford to buy. The abolition of the right to buy will ensure that better properties in the more desirable areas will no longer be sold off, reducing the number of homes that are available for social rent. The abolition of the right to buy is long overdue, which is why it has been widely welcomed across Scotland. It will enhance social housing and protect the investment that is made in it.

I want to nail the lie that the Government's record is anything other than a good one. The Government is outperforming the previous Labour-Liberal Democrat Administration's record on council house building. Since 2007-08, 4,618 new council homes have been completed, compared with only six under the previous Administration. In fairness to James Kelly, whenever the issue has been raised in the chamber, he has always pointed to the fact that that statistic ignores the number of housing association homes that were completed. However, the SNP Government's record in that area is also impressive. Since 2007-08, 30,292 housing association homes have been completed, which represents a rise of 12 per cent on the 27,000 homes that were completed under the Labour-Liberal Democrat Administration.

The bill has been greatly enhanced and strengthened by the improvements that have been made during its passage through Parliament. In a number of key areas, the Government has worked with stakeholders and MSPs from across the chamber to strengthen the bill. The Minister for Housing and Welfare, Margaret Burgess, deserves credit for the positive way in which she has entered into constructive dialogue on a range of issues. She has been willing to listen to and reflect on the arguments that have been presented to her, and the bill is better as a consequence of the approach that she has taken.

I am particularly grateful to the minister for meeting me and my colleague Alex Rowley to discuss temporary accommodation for homeless families. We were both concerned as a result of representations that we received from Shelter Scotland that, although the number of homeless families being placed in temporary bed and breakfast accommodation had reduced significantly since changes to legislation were introduced in 2004, a number of families, particularly pregnant women and children, were still being placed by some local authorities—by no means all—in accommodation that, to be frank, was not suitable for human habitation and was unacceptable in a civilised society.

The outcome of our discussions is that the Government will amend the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004 to include a reference to accommodation being wind and watertight. The amended order will provide further clarity to local councils regarding the provision of temporary accommodation. All people, regardless of what type of accommodation they find themselves in, have a right to enjoy their lives in comfort, safety and dignity. I look forward to the amended order coming into force by the end of the year to achieve that. I very much welcome the progress that has been made on that during the bill's passage. I am grateful to Alex Rowley for his support and to Shelter Scotland for its expertise on the issue.

I was also grateful for the opportunity to meet the minister along with Sarah Boyack to discuss a number of issues on behalf of the City of Edinburgh Council. As a result of that meeting, the Government introduced further changes in relation to the recovery of costs under a repayment charge that will allow local authorities to determine a repayment period of between five and 30 years and provide a right of appeal for any person who is aggrieved by the period of the charge.

The final area on which progress has been made is making carbon monoxide detectors mandatory in the private rented sector. Again, I am pleased to have worked with Shelter Scotland to bring about that change and I am glad that the Parliament has acted to address the issue so that all private tenants can feel safe from the threat of that so-called silent killer.

18:32

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): In the stage 1 debate, I welcomed much of the bill and said that the problem was the issues that were missing from it. That is still the situation at the end of stage 3. In between, of course, some amendments have been accepted. I welcome that, but I regret that several that would have been useful have been rejected today.

I came at the bill from two points of view: first, because of the problems on housing that constituents regularly bring to me and, secondly, because of the issues that the City of Edinburgh Council highlighted. Jim Eadie referred to the latter in his speech.

In the stage 1 debate, Jim Eadie and I raised some of the issues that the Labour-SNP council in Edinburgh had brought to our attention. Although it is true that the council will be pleased that there has been some flexibility on the 30-year repayment period, it is fair to say that it will be disappointed that none of the other proposals that it made has been accepted. The Government rejected today the amendment on maintenance plans, which was a reasonable proposal by Sarah Boyack, modifying the original position. Of course, all the amendments that I lodged, which were all based on the council's submission, were also rejected. The City of Edinburgh Council will not be pleased that the main amendments that it highlighted for the bill have not been progressed.

Over and above that, I came at the bill from the point of view of constituents. I am sure that all members deal with housing issues regularly at their surgeries, so I will pick up on four of the issues that I am regularly asked about.

Supply is obvious. We all know about issues with housing supply. I do not object to the abolition of the right to buy, but there is a danger that we will overstate its effect on housing supply. It is not the most important measure that can be taken to improve the supply of housing in the social rented sector, but I certainly do not object to it, although it would have been better to accept the amendment that Mary Fee moved at stage 2 to reduce the notice period for abolition to one year.

The more significant issue with regard to supply concerns the housing association grant and the declining trajectory of the number of social rented houses that are being built. A lot of the half-respectable figures that are presented to us in that respect are based on the higher HAG levels in the earlier years of the SNP Administration. Given the current HAG levels, we will have increasing difficulties in keeping up the number of social rented homes. Nicola Sturgeon changed the levels slightly last summer, but the housing associations all tell us that there is still a problem.

The second problem that constituents bring to me—and, I am sure, to every other member—is antisocial behaviour. I hope that the short SST will help in that respect, but Mary Fee was quite right to lodge an amendment, which was agreed to in committee, to require more information on all the safeguards that are needed.

The number of tenants who cause problems is obviously very small, but we all have examples in

which massive problems are caused by a very small number of people. I welcome the increased availability of the short SST, which I hope will make it easier to evict the very small number of people who unfortunately require to be evicted because of their behaviour.

With regard to tackling antisocial behaviour, it would have been better if Drew Smith's amendment on holiday lets had been accepted. In general, we could do more to beef up the landlord registration system in order to get more effective action from landlords in the private sector.

In general, it is on the private sector that there are the most parts missing from the bill. I mentioned briefly the issue of repairs. Even Alex Johnstone and his colleagues almost supported my amendment on common repairs, and I was very encouraged by that, although they did not press the right button in the end. Nevertheless, he and his colleagues recognised that—as people bring to our attention all the time—there is a big problem with regard to repairs, so it is a pity that my amendment was not accepted.

The provision for electrical safety checks is a step forward, but what will happen with all the existing tenancies? I do not know why the minister did not accept my amendment on that point.

My time is nearly up, but I highlight, as one of the most important amendments—possibly the most important—that was lodged at stage 3: James Kelly's amendment on capping rent rises. Again, the minister used the standard response of, "Oh well, it's very complicated and we would need to do more work."

The Presiding Officer: You need to bring your remarks to a close, Mr Chisholm.

Malcolm Chisholm: James Kelly's amendment would have required the introduction of regulations, and the work could have been done in the context of those regulations. It is deeply regrettable that his proposal—which was also a proposal of the SNP's expert working group on welfare—was not accepted.

18:37

Jim Hume (South Scotland) (LD): I welcome the opportunity to participate in this evening's debate. The bill is important, and I hope that it will begin to make the private rented sector more fit for purpose. The sector has experienced extraordinary growth in the past decade, and more than 300,000 households are now renting privately. That is little wonder when one considers that, since March 2007, more than 11,000 properties have been lost from social renting housing stock and the ever-increasing length of

waiting lists has driven people towards the private sector.

It is long since time that we ensured that standards in the sector were improved, and I reiterate my support for the regulation of letting agents; the introduction of a tribunal system; the inclusion of basic safety measures; and the scrapping of the right to buy. It is for those reasons that I and the Liberal Democrats will vote for the bill later on.

Since I last had an opportunity to debate the policy measures in the Government's bill at stage 1, a series of interesting amendments has come to the fore. Many of those amendments genuinely enhance the package of measures that the Government has laid before the Parliament, and I am pleased to see that some—although not all—of them are included in the final bill on which we will vote later.

I was disappointed when my amendments were defeated at stage 2, in particular my amendment that sought to clarify the position regarding legal representation for tenants participating in the new tribunal process. I felt that it was important to reintroduce the amendment at stage 3, but—as I said earlier—I am satisfied, after discussions on the issue with the minister and Homeless Action Scotland, and following the minister's positive words earlier in today's proceedings, that the matter is now in hand and that a satisfactory conclusion has been reached. I am grateful to the minister for her words in that regard.

My inbox, like those of many of my colleagues, has been inundated in the past week—and even during today's debate—with emails from landlords. I understand their concerns, and there is no doubt that the majority of landlords are diligent, fair and provide a good level of service. However, there is also no doubt that a minority operate in a predatory fashion and prey upon the vulnerability of some tenants. We need to weed those people out of the sector, and I appreciate the fact that letting associations agree with that.

I had some sympathy with the proposal to introduce more secure tenancies. Had amendment 50 been agreed to, a landlord would have retained the ability to terminate a tenancy after the first six months for antisocial behaviour, the accrual of rent arrears or if the landlord had planned to change the use of the property or even use it for his or her own living accommodation. The amendment would have afforded the tenant two months' notice to vacate a property, and I believe that to be a fair compromise, given the upheaval and inconvenience caused by such an event.

Although I appreciate that many tenants in the private rented sector are struggling with unreasonably high rent increases, I could not

support amendment 49, which related to rent control. The new duty that was set out in the amendment was so significant that it could not have been reasonably introduced without the sector having the opportunity to comment on it first or, for that matter, without full parliamentary scrutiny. That said, I reiterate that some people are struggling with exorbitant rent increases. The Minister for Housing and Welfare must reflect upon that and consider how she can assist with that in the future.

An important amendment that I did not lodge at stage 2 because it was not supported by any other party related to the fact that local authorities do not always use referrals under section 5 of the Homelessness etc (Scotland) Act 2003 for homeless families or individuals. I wonder whether the minister will at least keep an eye on that matter.

We had the usual SNP rhetoric about its building more houses than we built but, as Mary Fee has already pointed out, completions of social rented houses are at a lifetime low. We also heard again the change in language with regard to the 6,000—

The Presiding Officer: You must bring your remarks to a close, Mr Hume.

Jim Hume: The 6,000 socially rented houses that were promised have now become 6,000 affordable houses, and as we all know, there is quite a difference in that respect.

I welcome the passage of the bill, although I still believe—

The Presiding Officer: I am sorry, Mr Hume—your time is up.

18:42

Maureen Watt (Aberdeen South and North Kincardine) (SNP): I feel honoured to have played a part in taking the bill through Parliament, and I look forward to its being passed at decision time.

For me—and, I am sure, for many in the Parliament and in wider Scottish society—this is landmark legislation. Abolishing the right to buy social rented housing will have a very positive effect on all those involved in the sector. It will protect and enhance social housing, and it will protect the public investment that has been made in such housing over generations.

Since the right to buy was introduced, around 455,000 properties have been taken out of the social rented sector, and that continual depletion of social housing stock is unsustainable in the face of continued high levels of need for social housing in Scotland. As a representative from Shelter has

said, the right to buy is like trying to fill a sink without the plug in. Moreover, David Bookbinder of the Chartered Institute of Housing in Scotland told the Infrastructure and Capital Investment Committee:

"The key benefit is supply. ... The certainty that abolishing right to buy will give local authorities, landlord local authorities and housing associations with regard to their strategic and business planning roles—they will know how much rental income they will have and how much stock they can use for allocations and homelessness—will be a huge benefit."—[*Official Report, Infrastructure and Capital Investment Committee*, 22 January 2014; c 2429.]

Removing the right to buy will give social landlords greater confidence to build new homes, and 15,500 social rented houses will be safeguarded for future generations.

As we know, many right-to-buy properties end up in the private rented sector, where the rents are higher and higher benefit claims can be made.

The protection of the social rented stock, together with the Government's commitment to build new social housing, is welcomed by the sector. Some 30,292 housing association homes have been completed since 2007-08, which is a rise of 7 per cent on the previous seven years, and 1,324 council houses were completed in 2013-14 alone. That is a far cry from the six that were built in the last four years of the Labour-Lib Dem Administration.

Abolition of the right to buy and other aspects of the bill will increase the flexibility that social landlords have when they allocate homes to allow them to better respond to their communities' needs and make better use of affordable rented housing.

I turn to the legislation on mobile homes. There are a number of mobile homes in my constituency and I welcome the strengthening of the protection for those who live in them. People in my area who contacted me about the legislation seemed to be content with the way in which their site was run, but I was really surprised by how little they knew about the existence of organisations that represent those who live in park homes. Many sites are well run, but there is definitive evidence of unscrupulous landlords. Giving local authorities more powers in that area is therefore very welcome. I look forward to seeing the new model standards for mobile home sites reflecting up-to-date best practice.

I cannot conclude without commenting on Labour members' cynical stance on the bill. Mary Fee said that the abolition of the right to buy was long overdue. Labour had eight years to abolish it, but it did not do so.

James Kelly said that he spoke about rents in one of Labour's debates in December. I cannot

recall that, but why did he not therefore support Patrick Harvie's amendment, which specifically called for rent controls? Labour members on the committee did not ask any questions of witnesses or stakeholders with whom the committee engaged during its consideration regarding rent controls.

James Kelly: Will the member give way?

The Presiding Officer: I am sorry, Mr Kelly, but the member is in her last 30 seconds.

Maureen Watt: Labour members had to wait until Ed Miliband gave them their lead from down south. Their conflation of private and public house building is typical of them, but they are not believed by the sector or, indeed, the public, who are much more savvy than Labour gives them credit for.

The Presiding Officer: You need to end, Ms Watt.

Maureen Watt: Yes. Alex Johnstone mentioned the Government's initiatives in ensuring that the private sector and the public sector get together to build more houses.

I have great pleasure in supporting the bill.

18:47

Alex Rowley (Cowdenbeath) (Lab): I thank the minister for meeting Jim Eadie, Shelter and me, and for the positive response that we got.

I will certainly support the bill because, as Sarah Boyack and others have said, there are a number of positive measures in it, although it must be said that it would be a fairly dire situation if a housing bill that did not address some of the concerns that are out there was brought forward at this stage.

I think that it is fair to say that the bill will not be judged as something that grasped the issues of the time; nor will it be remembered for trying to tackle the many problems out there. It lacks that level of ambition. I say to Margaret Burgess that the next Labour Government that is elected to the Scottish Parliament in 2016 will cap rent increases, because that is the right thing to do. Hiding behind technicalities is not an excuse for not doing the right thing.

I remember the poverty trap in the 1980s and the 1990s and the number of people who were caught in it and therefore unable to progress, take employment and move forward. The excessive rents in the private sector now are creating that poverty trap again and holding many people back from getting into work and taking jobs that are not necessarily the best paid.

We can talk about the facts. Mary Fee mentioned the Audit Scotland report "Housing in Scotland." The report says that one of the major challenges is a 29 per cent real-terms cut in the capital housing budget from 2008-09 to 2011-12. It also acknowledges that the number of new homes in the private sector has more than halved in recent years, despite the pressures of an ageing population.

The fact is that there are fewer affordable homes available for rent now than there were in 2008, 2010 or 2011. As Jim Hume said, we can have a bun fight over who built more houses, but to the people who come to my surgeries and the families who are homeless, it does not matter who built what. The fact is that we have a major housing crisis in every community the length and the breadth of the country but we are not making any radical proposals that would begin to tackle that. Therefore, I intend to work with Shelter over the next year or so to highlight why its policy to build 10,000 houses a year is the right one to begin to tackle the issues that are out there.

The private sector cannot solve the housing crisis; it is a flawed strategy that believes that the private rented market can tackle the housing crisis. I am not ideologically driven by public over private, but in this particular sector we need to build council and housing association housing now and at a much faster rate.

There are many families and people who are trapped in housing that is not suitable for them. Some families' houses are massively overcrowded. I would have thought that every MSP must have a massive housing caseload and be engaged with their local authorities.

I also make the point to the minister that a lot of the housing that is being built up and down the country is being built by councils. Those councils have been quite innovative in working with tenants to raise money to build houses, so when we are giving credit for the houses that are being built, that credit should go to the local authorities.

The Presiding Officer: You need to wind up, Mr Rowley.

Alex Rowley: I will conclude, Presiding Officer, by saying that, while I support the bill, we have a housing crisis that the bill does not begin to address. That is what we need to do.

18:53

Patrick Harvie (Glasgow) (Green): The private rented sector is not just a market; a tenancy agreement is not just a transaction. A home that is available for rent is not just an investment: it is someone's home; it is where they live. That is its

primary function in public policy terms—it is not an investment; it is a home.

If the private rented sector wants to continue to grow and manage more of our country's housing stock, it must recognise that meeting someone's housing need is not just about giving them the keys. It is a much more complex job than that. There are landlords and letting agents who get that and who understand that their responsibility to a tenant is not just to give them the keys and rake in the cash; rather, their responsibility goes much deeper than that.

It may be that we should be seeking to support and cultivate social enterprise to get involved in the private rented sector—the people and organisations who understand more than just a financial bottom line. It may be that we should be supporting the landlords and letting agents who understand the issues, but there are many—I suggest that this applies to most of them—who do not, who regard their property merely as an investment and who are not interested in meeting someone's housing need, but simply in gaining the profit from that investment.

If we continue to see the private rented sector growing and if, at the same time, economic recovery leads again to a period of rising house prices and property values, then we are sowing the seeds of greater inequality. In the long run, people will continue to spend their money on rent that makes somebody else wealthier, and we will see rising inequality.

We need to recognise our responsibility to regulate the private rented sector for the public good, particularly at a time when so many—a growing proportion of our population—do not just spend a year or two in the private rented sector while they are a student or while they are moving from one job to another. There is an increasing proportion of people who have no other choice, for whom we have made no social housing or not enough social housing available, and for whom we have allowed economic conditions to make owner-occupation unaffordable.

There is more to welcome in the bill than the abolition of the right to buy, but I will say a few words about that. It is true that the abolition of the right to buy will deliver maximum benefit only in the context of increased investment in supply. However, the supply of social housing is not just about how much money the Scottish Government is spending from its budget each year. That is a big part of it, but it is not the whole of it. I encourage members and ministers who work on housing issues to look again at what the land reform review group had to say about the affordability and availability of land. That is crucial if we want to improve the affordability and availability of housing, and if we want to make it

easier for developers, whether they are in the private sector or the social rented sector, to build more housing of the type that is needed. I encourage members to take a look at that.

There are three areas in which there is work to do and to which the Government has committed. There is security of tenure. There is also a code of practice for letting agents and, again, I welcome the clear and fixed timescale that has been committed to on that. There is also energy efficiency. There is work to do within the current term of the Scottish Parliament and opportunities to influence those pieces of work to ensure that they meet the public good, and pressure will be needed. I will continue to advocate for that pressure, and the Infrastructure and Capital Investment Committee will also have a role to play.

I have welcomed the opportunity to engage with that committee in recent weeks and months. I know that the political atmosphere is charged right now but, frankly, I was dismayed at the level of hostility on display between the two larger parties in that committee. The committee must understand that it has a responsibility to hold the Government to account, not to go in to bat for ministers. Large parties in Opposition and Government will have the responsibility to come together once our political atmosphere is less charged in a few months' time, and find common ground on which they can work together for the common good.

18:57

Alex Johnstone: All of us in the chamber come from a diverse range of backgrounds and arrive here with political priorities that differ greatly. Our responsibility is to serve those who put us here and to serve the Scottish people as a whole.

Political principles often mean that individuals or parties in the Parliament will hold to a philosophy that sets us out on a limb. Nowhere is that more obvious than in the Conservative Party's steadfast support for the right to buy.

Many people in Scotland aspire to own property and we have a responsibility to understand and support that where appropriate. We all agree that a house is not just a house, but a home; Patrick Harvie said that just a few moments ago. It is, however, appropriate for Scots to aspire to own the home that they live in and we should be willing to support that.

Many of us are lucky enough to be in a position to be homeowners through choice. We are able to participate in the market and use the resources that are available to us to buy our homes and live in them. That is a privilege and we should all consider ourselves lucky to have it. Should it be a

privilege for only the most wealthy in our communities? We should aspire to give the right to own their home to everyone in society who is willing to make the necessary sacrifice to achieve that objective.

This Government appears to understand that. It has gone some way towards introducing shared equity schemes and other opportunities that will allow people to become home owners. However, the problem is that, as yet, we have failed to find an alternative way to enable that objective to be achieved on the scale of the right to buy.

Many people who used the first right to buy were long-term tenants. As we have seen from the figures that are available from last year, the vast majority of those who continue to seek to exercise their right to buy are, themselves, long-term tenants. By ending the right to buy, we free up very few houses, and we end the opportunity for many to become home owners.

It is an essential part of our responsibility to ensure that we do not miss the opportunity to enable people to aspire to property ownership. The Minister for Housing and Welfare has, in recent speeches in the chamber, talked about the need to ensure that people can accrue wealth. For many, the only opportunity to accrue wealth in a modern society is to borrow against the value of a house and then pay it up over time.

We need to make mortgages more affordable and make the opportunity to buy homes more available to those on lower incomes.

The Conservative Party, through its support for the right to buy, has changed the dynamic of Scottish housing. It has turned us into a country in which we are home owners, not simply home renters. It has turned us into a country in which people aspire to improve themselves.

There is much that is good in the bill—although less than there was when it was published at stage 1. However, as a result of this Government's decision to use the bill to end the right to buy, the Conservatives will vote against it at decision time.

19:02

James Kelly (Rutherglen) (Lab): In her initial remarks, the Labour Party's Mary Fee said that we will be supporting the bill at decision time, in recognition of the fact that some of the issues that are addressed in the bill will improve the housing sector and help us to make progress. However, Mary Fee and Alex Rowley also gave an accurate portrayal of some of the issues that are faced in housing in Scotland: the pressures that exist in relation to supply, the consequences of that in terms of a lack of affordable housing, and the impact of the growth of the private sector on rent

levels that people are having to endure. There are wider issues that need to be addressed, aside from the issues with which the bill deals.

I was a bit disappointed by the process around the passage of the bill. I feel that Labour interacted quite positively with the bill. We lodged an awful lot of amendments that were, on the whole, rejected. Listening to the minister during the course of the debate, I was struck by the fact that we have a plethora of consultations and working groups. The minister herself said that the Government's housing strategy was launched in February 2011, which means that it has taken three years for the bill to come to fruition. We seem to have a lot of talking shops, but what people really need on the ground is action and practical support.

The bill's headline issue, which the Government wants to promote, is abolition of the right to buy. We have supported that; it is the right thing to do. However, I do not think that abolishing the right to buy will have the grand consequences that the Government envisages. The figure that Maureen Watt quoted—15,500 social rented houses being safeguarded over 10 years—is welcome, but when we have 155,000 people on social housing waiting lists, its impact will be minimal.

As for action on letting agents and landlords, a number of members have spoken about the growth in the private rented sector, which means that proper regulation is needed. Many letting agents and landlords are responsible, but there are a number of unscrupulous individuals, which is why proper regulation is needed. The bill will improve the situation, but if some amendments that were not agreed to had been taken on board, the bill could have improved it more.

A similar point is true of the measures on maintenance plans, which Sarah Boyack raised, and on electrical safety. Such provisions could have been strengthened.

I was disappointed that the Government did not accept my amendments to control rent increases and to introduce longer and more stable tenancies. I was particularly disappointed because between stages 2 and 3 I changed my amendments to give the Scottish ministers more time. I was looking for the Government to lay regulations by April 2015, which would have given it nearly 10 months to work up proposals. I thought that that was a reasonable way forward; the response that the task would be too onerous or too difficult is not satisfactory.

In such debates, members always trade a lot of statistics to back up their arguments—I acknowledge that I do it, too. However, in a lot of ways, I do not need to look at the statistics on housing. I can look at the area that I grew up in, which I am lucky enough to represent and where I

still stay. Almost weekly, I see people at my surgeries who stay in overcrowded accommodation and who cannot access adequate housing. I see houses that have been in my constituency since before I was born and that are falling into disrepair but where people still stay. We have problems with people getting on the housing ladder, accessing social housing and living in inadequate accommodation.

The Presiding Officer: Can you bring your remarks to a close?

James Kelly: The challenge for the Government and all political parties is to come up with a plan for housing that addresses the supply issues and which does something for people who do not stay in good-quality accommodation and who are struggling to find a house. We all have a responsibility to improve the lives of our constituents and people throughout Scotland. We should bear that in mind when we bring forward legislation and plans for housing.

19:08

Margaret Burgess: We have had a lot of consensus throughout the debate, although we still disagree on some issues. I reiterate that I appreciate stakeholders' support for the bill. I say to James Kelly that that is not about talking shops; we talk to and listen to our stakeholders. We worked up the bill in consultation with and along with them, which is why many aspects of the bill have so much stakeholder support. That is an important point.

James Kelly: In all the discussions with stakeholders, were excessive rent levels and the length and security of tenure raised with the Government?

Margaret Burgess: I said when I was speaking to amendments that, during the discussions, rent levels were not raised with us, other than by Patrick Harvie. Shelter Scotland mentioned security of tenure early on, but the bill had progressed through a stage by then. We discussed the issue, which is why we set up the review group to look at the tenancy regime in the private sector. The group is not a talking shop. It is chaired by Douglas Robertson and its 18 stakeholder members include representatives from landlords associations, letting associations, the Chartered Institute of Housing, the Convention of Scottish Local Authorities, the Council of Mortgage Lenders, the Scottish Property Federation, Shelter Scotland, Homeless Action Scotland and Edinburgh private tenants action group. The group came together to discuss the tenancy regime, and I have said today that we will take forward its recommendations. We will consult in the autumn, and as part of that we will look at rent levels.

Alex Rowley and Mary Fee also talked about capping rents. I say to them that we are absolutely keeping rent levels under review. We are aware that rising rents are an issue in parts of Scotland—in particular in Aberdeen. I repeat that it is important to be clear about the nature and scale of the problem and the options for addressing it, so that we can be sure that action that we take has a positive outcome and does not have unintended consequences. I stand by that.

The Joseph Rowntree Foundation recently reported that households in Scotland spend a smaller share of their income on housing than households in England. In the same report, the foundation said that poverty rates in Scotland are lower than they are in England, across all housing tenures. However, the Scottish Government is not complacent about the matter. That is why we continue to support affordable and mid-market rents and to work with the house building industry to increase institutional investment in building new homes for private rent.

That is the right way to take on an issue of the magnitude of the one that James Kelly talked about. It is right to consult and take evidence from stakeholders, to work up proposals and to bring them to Parliament for full scrutiny. That is what we intend to do, and it is the right approach, as opposed to parachuting in proposals at stage 2 of a bill. If we tried to give the Scottish ministers more powers, James Kelly would criticise us for doing so, so I find it strange that we are being criticised for following due process on an important issue. We must get it right for all tenants in Scotland.

Patrick Harvie was right: this is about people and their homes. Yes—there is a lot of political to-ing and fro-ing, but the Government is committed to improving the housing stock and to increasing supply. Opposition members talked about figures being bandied about, but we cannot get away from the facts: this Administration has built more houses for rent through registered social landlords and councils than previous Administrations in Scotland built. Even during a recession, more private houses for sale have been built per head of population in Scotland than have been built in England and Wales. That is a fact. We know that we need to increase supply, and we are working to do so with our stakeholders across the sector.

We also have the help to buy scheme.

Jim Hume: Does the minister accept that completions of social rented houses are at a lifetime low?

Margaret Burgess: We are building more houses than previous Administrations built—they are not at a lifetime low. We are building social houses.

I take Alex Rowley's point about local authorities building council houses. We very much appreciate the contact that we have with stakeholders and we appreciate the way in which councils and RSLs have got together to get houses built. Part of that is due to our abolishing the right to buy for new supply in 2010, which gave local authorities the confidence to start building council houses again.

Maureen Watt said that this is a landmark bill. I agree that it is in a number of ways, and not just because of what we are doing on the right to buy—although that is the right action to take and this is the right time to take it. We are supporting many other schemes that will help people on to the housing ladder and we will continue to do so, but the right to buy has had its day in Scotland, and I think that all parties support us on that except, of course, the Conservatives. That does not surprise me.

This bill will introduce other landmark measures, such as tribunals for the private rented sector, which will ensure that there is fair and easy access to justice in the private sector. That is new and it is a landmark. It is something that we have been asked to do for some time. We have worked the measure out. It is a very important thing, which tenants will very much appreciate.

Regulation of letting agents is another landmark. It was good to get the support of the letting industry and landlords organisations for the measure. We got that because we worked together with them. We listened to what they had to say and took some of it on board, but we made it absolutely clear from the outset that we intended to regulate and that our regulation would have teeth. That is what we will do. When we work out the code of guidance our view on that will not change. The regulators of the private sector will have teeth. The private sector welcomes that as well, because it does not—

The Presiding Officer: Can you bring your remarks to a close, minister?

Margaret Burgess: Sorry, Presiding Officer.

I ask members to support the bill. We have done something today that we should all be proud of. We have got there by working together, and I hope that that continues.

Business Motion

19:16

The Presiding Officer (Tricia Marwick): The next item of business is consideration of business motion S4M-10442, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, which sets out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Tuesday 5 August 2014

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 6 August 2014

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions
Training, Youth and Women's
Employment;
Commonwealth Games, Sports,
Equalities and Pensioners' Rights

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 7 August 2014

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.30 pm Parliamentary Bureau Motions

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 12 August 2014

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 13 August 2014

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions
Finance, Employment and Sustainable
Growth

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 14 August 2014

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.30 pm Parliamentary Bureau Motions

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time—[Joe FitzPatrick.]

Motion agreed to.

Parliamentary Bureau Motions

19:16

The Presiding Officer (Tricia Marwick): The next item of business is consideration of seven Parliamentary Bureau motions.

Motions moved,

That the Parliament agrees that the Land Register of Scotland (Rate of Interest on Compensation) Regulations 2014 [draft] be approved.

That the Parliament agrees that the Land Registration etc. (Scotland) Act 2012 (Incidental, Consequential and Transitional) Order 2014 [draft] be approved.

That the Parliament agrees that the Proceeds of Crime Act 2002 (Amendment of Schedule 4) (Scotland) Order 2014 [draft] be approved.

That the Parliament agrees that the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Treatment of Revenue Scotland as Specified Authority) Order 2014 [draft] be approved.

That the Parliament agrees that the Registers of Scotland (Fees) Order 2014 [draft] be approved.

That the Parliament agrees that the Registers of Scotland (Information and Access) Order 2014 [draft] be approved.

That the Parliament agrees that the Health and Sport Committee be designated as the lead committee in consideration of the Mental Health (Scotland) Bill at stage 1.—[*Joe FitzPatrick.*]

The Presiding Officer: The question on the motions will be put at decision time.

Decision Time

19:17

The Presiding Officer (Tricia Marwick): There are three questions to be put as a result of today's business.

The first question is, that motion S4M-10438, in the name of Margaret Burgess, on the Housing (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)

Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Against

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Presiding Officer: The result of the division is: For 93, Against 12, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Housing (Scotland) Bill be passed.

The Presiding Officer: The next question is, that motions S4M-10443 to S4M-10448 be agreed to.

Motions agreed to,

That the Parliament agrees that the Land Register of Scotland (Rate of Interest on Compensation) Regulations 2014 [draft] be approved.

That the Parliament agrees that the Land Registration etc. (Scotland) Act 2012 (Incidental, Consequential and Transitional) Order 2014 [draft] be approved.

That the Parliament agrees that the Proceeds of Crime Act 2002 (Amendment of Schedule 4) (Scotland) Order 2014 [draft] be approved.

That the Parliament agrees that the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Treatment of Revenue Scotland as Specified Authority) Order 2014 [draft] be approved.

That the Parliament agrees that the Registers of Scotland (Fees) Order 2014 [draft] be approved.

That the Parliament agrees that the Registers of Scotland (Information and Access) Order 2014 [draft] be approved.

The Presiding Officer: The final question is, that motion S4M-10449 be agreed to.

Motion agreed to,

That the Parliament agrees that the Health and Sport Committee be designated as the lead committee in consideration of the Mental Health (Scotland) Bill at stage 1.

Perth Royal Infirmary's Centenary

The Deputy Presiding Officer (Elaine Smith):

The final item of business is a members' business debate on motion S4M-09947, in the name of Liz Smith, on the centenary of Perth royal infirmary. The debate will be concluded without any question being put.

Motion debated,

That the Parliament congratulates Perth Royal Infirmary on its centenary; notes that the infirmary was built between 1912 and 1914 on a site on Glasgow Road in Perth and was officially opened by King George V and Queen Mary on 10 July 1914; understands that, over the 100 years, the population of Perthshire and Kinross-shire has increased significantly and that, by 2033, it is projected to increase by 27%; notes the calls for the centenary to be marked in some way; congratulates its current and former staff on what it sees as the first class health services that they have provided to the people of Perthshire and Kinross-shire over the past 100 years, and wishes the hospital well in the future.

19:20

Liz Smith (Mid Scotland and Fife) (Con): I am grateful to the Presiding Officer and parliamentary colleagues for allowing me to secure this member's business debate, although it was a little too late for some people to attend.

Long before I became an MSP in 2007, I became extremely aware of just what a special place Perth royal infirmary has in the hearts of many residents across Perthshire and Kinross-shire—and rightly so. The staff who have worked and who currently work at the hospital have provided first-class care—life-saving care in many cases—to the local community over the past 100 years.

Of course, 2014 is a big year for national commemorations, but it is important not to forget that many local commemorations will be taking place on 10 July, which marks the 100th anniversary of the opening of Perth royal infirmary.

Unquestionably, our public health services have come a very long way in the intervening 100 years. Life expectancy, for example, has increased from 49 and 45 years for women and men respectively at the turn of the last century to 80 and 76 for women and men today; the infant mortality rate has fallen by over 100 per 1,000 births; and if, in 1914, pneumonia, influenza and tuberculosis were among the most common causes of death, they are now among the least common.

Today, on the news, we hear about a quadruple amputee being accepted for a pioneering operation in Leeds to provide her with two new

hands. In the past few weeks, two of our major Scottish universities have continued to make their outstanding contributions to the provision of ground-breaking cancer treatment.

The first half of the 20th century saw major improvements in access to, and standards within, the system of public health provision, some of which built upon the Education (Scotland) Act 1908, which provided for compulsory medical inspection of schoolchildren. Major reasons for those significant improvements are not only advances in medical science and technology and better education, but the dedicated professionalism of our doctors and nurses and the vast numbers of support staff who do so much for our patients. It is to them that we pay tribute this evening.

For Perthshire, the development of a national health service saw the Perth city and county infirmary completed in 1838 by city architect William Macdonald Mackenzie. The hospital saw multiple changes but eventually proved far too small for the requirements of the growing city. James Miller was then commissioned to design a new hospital and began work in 1912 on the Glasgow Road site, two years later seeing the new Perth royal infirmary open its doors.

Perth royal infirmary was opened by King George V and Queen Mary as part of their Scotland-wide tour. Accompanied by the troopers of the Scottish Horse Guards, the royal couple paraded along County Place amidst a sea of local support. It was a time when women did not have the franchise, and there were considerable protests that day from leaflet-wielding suffragettes. Reports in some of the excellent archives held in the hospital state that a startled King George was confronted by some of the radical ladies, who latched on to the car and were unceremoniously dragged away. Fortunately, those incidents did not spoil the day too much and Perth royal infirmary was opened as planned.

The intervening 100 years have seen many changes. With health services becoming increasingly centralised as a result of the rationalisation of services at national level, there are significant challenges for PRI with regard to its future place in the community. As such, many residents across Perthshire and Kinross-shire, and many staff within PRI, have on an on-going basis expressed their concerns that the removal of services such as the maternity ward, paediatrics, pathology and weekend surgery will have a detrimental effect on the future of Perth royal infirmary as an acute district general hospital. That is something that MSPs on all sides of the chamber have fought against.

I hope that this centenary anniversary will not only celebrate the distinguished past of the

hospital but reaffirm the commitment from NHS Tayside to ensure that Perth royal infirmary remains a fully-equipped acute district general hospital to serve what is a quickly growing population of Perthshire and Kinross-shire.

It is very clear that Perth royal infirmary has been a precious asset for the local community. As well as providing many local jobs and high-quality healthcare throughout its 100-year history, it has brought many people together. The centenary provides an opportunity to thank and acknowledge the staff of PRI, both past and present. The first-class medical care that is given to patients from numerous communities and backgrounds is a testament to their professionalism and dedication.

Looking to the future, we face huge challenges in the realms of providing specialised healthcare, which must reflect changing needs and changing social structures. Those challenges have been acutely felt at PRI, and we know only too well that there are deep-seated concerns among members of the local community about what that could mean for the future of the hospital, particularly as regards the availability of certain health services and staffing levels.

If the highly successful hands off PRI campaign taught us anything, it was that there is a very strong bond between the hospital and the local community, and I am sure that we are all clear that nothing must happen to undermine the ability of PRI's staff to provide what has always been a first-class service. I thank them for that service, and I wish the hospital every success in the future.

19:26

Annabelle Ewing (Mid Scotland and Fife) (SNP): I congratulate Liz Smith on securing the debate and giving us the opportunity to mark the centenary of Perth royal infirmary. In so doing, I pay tribute to the care that doctors, nurses and all the other staff of PRI have provided to the people of Perth, Perthshire and neighbouring Kinross-shire down through the years. I also commend the volunteers who give up their time to make the lives of patients and visitors easier as they pass through the hospital.

Perth royal infirmary grew out of the Perth city and county infirmary, which was opened in 1838 and whose elegant main building now houses Perth's famous A K Bell library. The records for PRI show how the cost of hospital building has increased over the years. In that regard, it may interest members to note that while the cost of purchasing the land for and building the original hospital, which we now know as the A K Bell library, was a little over £6,812, the new PRI that was built in Taymount Terrace in 1914 cost

£36,000. That sum was secured largely from donations, subscriptions and fundraising.

That figure can be contrasted with the £5 million that was spent on the clinical research centre that was opened in the infirmary in 2006 by the University of Dundee, in conjunction with which PRI gained teaching hospital status. The centre concentrates on chronic diseases such as asthma.

In the year in which we commemorate 100 years since the outbreak of the first world war, it is appropriate to note that, further to the hospital being constructed on the Cornhill estate between 1911 and 1914, it was pressed into use straight away as a war hospital during that conflict.

As Liz Smith said, many buildings have been added on to the hospital. In 1926-27, the maternity block was added. There were major developments in the 1960s and new wards were built into the hillside at the end of the 1970s. In the late 1980s, an extension was constructed to provide accident and emergency facilities, and a cancer care centre was established in 2007.

PRI is close to people's hearts not because of any particular connection to any of those buildings but because of what they mean for the local provision of healthcare to the citizens of Perth, Perthshire and beyond. When maternity services were under threat in the early years of the last decade—I am sure that Liz Smith will remember that battle well—folk took to the streets in great numbers as part of the community-led hands off PRI campaign. Unfortunately, despite the wishes of the local community and the best efforts of all those who were involved in the campaign—I see that the local MSP John Swinney is here tonight; he was very much involved in that campaign, as was I, because I was the local Westminster MP for Perth at the time—consultant-led maternity services were still transferred to Ninewells hospital in Dundee.

However, a partial success was achieved in that, although at one point there was a very real threat that there would be no maternity services at all in Perth, the hands off PRI campaign secured a community maternity unit staffed by midwives. I take the opportunity to pay tribute to the women who gave up so much of their time to spearhead that fantastic community campaign, and to the midwives and all the other national health service staff for ensuring that women could still give birth at PRI. As we speak, the community maternity unit is celebrating its 10th anniversary, and I join in the congratulations to the outstanding team based there on their sterling service to women and families throughout Perthshire and Kinross-shire.

There was a period not so long ago when it seemed that the change in the way in which health services in Tayside were being provided meant

that the flow of facilities was always away from Perth to Dundee. However, a number of developments in recent years have reversed that trend. The cancer care centre has been established in Perth and, following another long-standing campaign, there is now a dialysis unit providing a satellite service from Ninewells, thus enabling Perthshire kidney patients to get access to a treatment facility nearer to their homes. We must all monitor the situation and be quick to spot opportunities in the years ahead.

I say a very big thank you to everyone involved with the PRI, now and over the past 100 years, from those of us who live in Perthshire. I speak as someone who has received both in-patient and out-patient treatment at the PRI. On all occasions, the level of care has been excellent. I hope that the PRI continues to grow and develop and to serve the community for many more years to come.

19:31

Rhoda Grant (Highlands and Islands) (Lab): I congratulate Liz Smith on securing the debate. Her motion calls for the centenary of the Perth royal infirmary to be marked, and the debate does that. I am sure, however, that there will also be other local events to celebrate the centenary.

Perth royal infirmary is a district general hospital, which embraces new practice and delivers care as close as possible to patients. It is also often the receiving hospital for accidents on the A9, a route that is widely used by many of my constituents, so it provides those of us who live in the north, too, with life-saving interventions.

The infirmary provides traditional services as well as housing new developments, such as the Macmillan hospice, which provides palliative care close to home, family and loved ones. That is crucial in someone's final days.

District general hospitals have a pivotal role to play in providing other interventions such as dialysis and oncology, which have already been mentioned. Those services need to be provided as locally as possible. They can be provided safely in district general hospitals, meaning that patients do not have to travel long distances for them—they allow patients to be closer to home and to their family. For those who need such interventions but are still able to work, there is much less disruption to their lives and their working day. We need to move as many services as we can to those hospitals, so that patients are treated as locally—but as safely—as possible.

E-health provides a tool that makes it possible to deliver complex treatments, such as chemotherapy, locally, and it gives direct access to back-up from highly skilled clinicians. I recently

saw that myself in Oban hospital, which provides chemotherapy while being in touch with the consultants down in Glasgow. If any problems arise during treatment, those in Oban have immediate back-up, and it can work with that. Those are examples of things that we can put out to district general hospitals, which make a big difference.

I pay tribute to the staff at the Perth royal infirmary, who work hard to provide high-quality care. Like many in the NHS, they are struggling because of decreasing staffing numbers. They are facing some of the most challenging times that our health service has ever known. Nurses, medical staff and hospital staff in the NHS tell me that they have never known the health service to be struggling as much as it is today in the entirety of their careers. Indeed, the chair of the British Medical Association is now adding his voice to those concerns.

We in the Labour Party are asking for a review of the NHS—a Beveridge 21—to help us deal with those challenges. We owe it to all those who use and work in the NHS to have that review, so as to ensure that we deal with those issues.

We need to celebrate the Perth royal infirmary centenary and the contribution that has been made by hospital staff to patient care in the area. We need to recognise and build on the vital role of our district general hospitals in bringing services closer to patients. I am happy to join Liz Smith in celebrating the centenary.

I also wish to celebrate the actions of the suffragettes, who used the opening of the hospital to bring to the fore the need for women's emancipation. I wonder what they would think of this debate this evening, in which three women have spoken, led by a woman and presided over by a woman. I think that they would be pretty chuffed to know that their actions on that day had borne fruit. Given that women are the backbone of the NHS, it is very appropriate that the suffragettes used the opening of the hospital to highlight the plight of women and their fight for equality. That was a fitting tribute.

The Deputy Presiding Officer: The debate, however, will be responded to by a man. I call Michael Matheson.

19:35

The Minister for Public Health (Michael Matheson): Like others, I offer my congratulations to Liz Smith on securing time for the debate. I have listened with real interest to members' contributions this evening. Perth royal infirmary is a key member of the NHS Tayside family, and the Government's ambition is that it should continue to go from strength to strength, to ensure that high-

quality services and care are delivered for the people of Perth and the surrounding area.

In the course of tonight's debate, I would like to pay tribute to the dedication and professionalism of the staff, both past and present, who work day in, day out to deliver those vital healthcare services and to make the experience of their patients as good as it can be. It is quite right that we should mark the 100-year anniversary of healthcare provision on the site and we should celebrate that. As Liz Smith said, there will be a range of planned activities including a local health fair with a special birthday cake, an exhibition of photographs and historical artefacts, a day of historical programming on Perth hospital radio, and a ceremonial re-laying of the original royal plaque by the NHS Tayside chair, Sandy Watson, which will take place on 10 July.

Members may be interested to know that the hospital is getting its very own biography. Bruce Leckie, a member of staff at NHS Tayside who previously worked at PRI, has produced a book documenting the building and the royal opening. Mr Leckie, who has kindly joined us tonight, has indicated that any profits from the sale of the book will be donated to the PRI endowment fund. On behalf of the Scottish Government, I offer my thanks to him for undertaking that piece of work and for his generous donation to the endowment fund.

In celebrating the proud history of PRI and the contribution of its current and former staff, it is important that we look ahead to the use of PRI and the provision of NHS services in NHS Tayside overall in providing 21st century healthcare to the local people. I am sure that all members recognise the challenge that is presented by an increasing and increasingly elderly population, and we are aware that that is particularly relevant in Perthshire. Members may be aware that the total population of Perth and Kinross is projected to increase by 20 per cent between 2012 and 2033, which is more than twice the national average of 8 per cent. However, the population of those aged 65 and above is projected to increase by 52 per cent in the same period, and of those aged 75 and above by 75 per cent. That is precisely why we published our equality strategy and the 2020 vision with its accompanying route map to ensure that the 2020 vision is taken forward at local level, allowing individuals to live healthier lives in their own homes or in a homely setting.

Part of the work to deliver the 2020 vision is the exciting work that is being done in the NHS Tayside area, including at PRI, with the creation of the rapid assessment model of care for unscheduled medical patient admissions, which will enable a new model of care to meet the needs of the local population. The early work on that

project has been developed by listening to the views of staff and patients on what they felt would make a difference to the care environment in the hospital, including seven-day multiprofessional team working, timely patient discharge and an expansion of the role of volunteers.

However, we all know that good-quality healthcare is not just about new initiatives in themselves; at times, it is about just doing the day job really well. In emergency care, Perth royal infirmary is part of a single system of emergency care that operates across the Tayside region to ensure that patients who require urgent care are seen at the right place, at the right time, by the right person. NHS Tayside's performance in that area is among the best in Scotland, with more than 98 per cent of patients meeting the four-hour accident and emergency standard every year since 2008-09. It is the only mainland board with such a consistent record in that area.

NHS Tayside has more than halved the size of its in-patient and day-case waiting lists by treating patients faster. The numbers have gone from 7,264 patients waiting in March 2006 to 3,031 in March 2014. We now have just over 91 per cent of patients being seen and treated within 18 weeks of first referral at March 2014, compared with only 86 per cent in the quarter ending March 2007, despite a rise in the number of in-patient and day cases of more than 5.9 per cent in 2012-13. In addition, 99 per cent of patients were waiting at 31 March 2014 for less than the 12-week standard for first out-patient consultation, compared with 87 per cent in the quarter ending in March 2007. Those figures demonstrate the quality of the care that is being delivered in NHS Tayside, including in PRI, and the dedication of the staff in helping to achieve that.

There has been significant capital investment over recent years. My colleague Annabelle Ewing referred to the palliative care cancer unit at Perth royal infirmary—a £6 million investment with Macmillan Cancer Support that was completed in 2010—which has made a real difference. In addition, £75 million was invested in the new Murray royal hospital in Perth and there is the £23 million Rohallion unit there, which is a specialist unit for those with mental health issues.

As a Government, we recognise the important and valuable role that PRI has played over the past 100 years. It is important that we recognise and celebrate that. However, we also see PRI as an important setting for the delivery of high-class, quality services going forward. As a Government, we are determined to ensure that that continues to be the case.

Meeting closed at 19:42.

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